

1 (The Court began the proceedings
2 at 10:00 a.m.

3 THE COURT: Good morning.

4 MR. JACKO: Good morning, Your Honor.

5 MR. HELBING: Good morning.

6 THE COURT: All right, counsel, let's get
7 started.

8 MR. JACKO: Okay. Thank you, Your Honor.

9 There were motions in limine pending, Your
10 Honor. I don't know if --

11 THE COURT: Yes, the defendant filed two
12 motions in limine.

13 Those motions are denied.

14 This Court, as the fact-finder and the arbiter
15 of the appropriate law, can push whatever evidence
16 that's not admissible, that shouldn't be allowed, off to
17 the side without considering.

18 I have the ability to do that, and I've been
19 doing that for 30 years now. All right?

20 MR. HELBING: Yes, Your Honor. No
21 disrespect intended.

22 THE COURT: Very well. Let us proceed.

23 MR. JACKO: Your Honor, will you take
24 opening statements, counsel?

25 THE COURT: Yes, a brief opening statement,

1 counsel.

2 Why hasn't this case settled, just out of
3 curiosity? Is this about attorneys' fees or what?

4 MR. JACKO: I --

5 THE COURT: I don't want to hear any
6 discussion about what you had because this was before
7 Judge Reuter.

8 Judge Reuter sent me a memo indicating that
9 they couldn't settle, and he couldn't disclose what the
10 figures were or anything else to that effect because I'm
11 sitting as a judge without a jury.

12 But why hasn't this case settled, if you can
13 tell me? I don't want to hear about the discussions.

14 MR. JACKO: Well, okay. The long and short
15 of it, in my view, is that back when we were in front of
16 Judge Reuter, what the defense was looking for was a net
17 payment from the Teppers to them because of the pending
18 foreclosure action in state court.

19 That couldn't be worked out in those
20 discussions. We are here today trying an FDCPA claim
21 where at the end of the day it has to be a net flow to
22 the Teppers, because they have been caused to unfairly
23 have to defend a wrongfully filed foreclosure action,
24 and they otherwise had their rights under the FDCPA to
25 which they are entitled to recover their damages and so

1 forth.

2 We were speaking briefly a few minutes ago. We
3 can't get anywhere, apparently.

4 THE COURT: Very well, I'll hear it.

5 Let's proceed.

6 MR. JACKO: Your Honor, I'll keep it brief.
7 I know you're familiar with the character of the case.

8 THE COURT: Yes, you've filed your findings
9 of fact and conclusions of law; and, yes, I have enough
10 paperwork to know what the sum and substance of the case
11 is.

12 MR. JACKO: Oh, okay. If you've already
13 read those, then that covers most anything that I would
14 have to say, if you've read through that.

15 THE COURT: That's fine. If you wanted to
16 add something else that's not in a written form, I'll
17 entertain it.

18 MR. JACKO: No, Your Honor.

19 If you've read that, the only thing I would add
20 is that we were submitting two deposition transcript
21 excerpts as Plaintiff's exhibits.

22 I'll identify them when I go back to the table.
23 But that's great.

24 THE COURT: Very well.

25 MR. JACKO: Thank you.

Gregg B. Wolfe, RPR, CM
215-460-1511

1 THE COURT: Defense?

2 MR. HELBING: No, Your Honor. If you read
3 the pleadings, then I can add nothing further.

4 THE COURT: Very good.

5 MR. JACKO: The deposition transcript
6 excerpts we would ask the Court to take judicial notice
7 of and accept into evidence are Plaintiff's Exhibits 21
8 and 22.

9 THE COURT: Very well.

10 MR. HELBING: Your Honor, we object to
11 Exhibit Number 22. Mr. Donegan was never listed as a
12 witness. He's an in-house counsel for Amos Financial.
13 He was never listed as a witness on any witness list
14 that was produced by the plaintiff.

15 THE COURT: Was he deposed?

16 MR. HELBING: He was deposed.

17 THE COURT: You had an opportunity to ask
18 him some questions?

19 MR. HELBING: Yes.

20 THE COURT: What prejudice, if any, do you
21 suffer, the mere fact that he wasn't listed as a
22 witness? Right. Okay.

23 MR. HELBING: The fact that he's not here
24 today.

25 THE COURT: I'll give you an opportunity to

1 give excerpts from his deposition that favors your
2 position. All right?

3 MR. HELBING: Yes, sir.

4 THE COURT: All right?

5 MR. HELBING: Yes, sir.

6 THE COURT: Moving along.

7 MR. JACKO: Your Honor, at this time the
8 plaintiffs call James Tepper to the stand.

9 THE COURT: Very well.

10 Sir, come right on up here. Watch your step
11 coming around the witness box. Remain standing and be
12 sworn in.

13 JAMES BRETT TEPPER, was duly sworn.

14 MR. JACKO: Would it be acceptable to
15 question the witness from counsel table?

16 THE COURT: Wherever you want, counsel, as
17 long as the court reporter can hear your questions.

18 MR. JACKO: I don't know if I'm being heard
19 on the microphone.

20 Would it be okay to sit? I apologize.

21 THE COURT: Yes.

22 MR. JACKO: Okay, thank you.

23 We have provided the Exhibit books for your
24 Honor, Defense counsel and the witness. The book is in
25 front of them.

Gregg B. Wolfe, RPR, CM
215-460-1511

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DIRECT EXAMINATION

BY MR. JACKO:

Q. Mr Tepper, could you identify yourself and your address of residence, please?

A. James Tepper, 2111 Spring Garden Street, Philadelphia PA, 19130.

Q. Okay. Do you reside with anyone else at that address?

A. Yes, I do. My wife and two children.

Q. Okay. And what are their names?

A. Brett Tepper and Josette Tepper and they're both nine. They're twins.

Q. Your wife's name is?

A. Alison Tepper.

Q. Is she here today?

A. Yes, she is.

Q. Okay. Do you and Alison Tepper own the home at 2111 Spring Garden Street?

A. Yes, we do.

Q. What does your wife Alison do?

A. She's a stay-at-home mother, as well as helps me out with a few things in the business, mostly just, you know, taking checks to the bank and overseeing that I'm okay.

Q. Okay. And does she have an ownership

1 interest in any of your companies?

2 A. Yes, she does. She's 50 percent.

3 Q. Which one is that?

4 A. 222 Products.

5 Q. Can you give the formal name of that entity?

6 A. Yes, 222 Products LLC.

7 Q. Okay. And do you own the other 50 percent?

8 A. Yes, I do.

9 Q. What's your highest level of formal
10 education, sir?

11 A. General studies, Bachelor's of Arts out of West
12 Virginia university.

13 Q. What was your major and minor?

14 A. Just a general studies degree.

15 Q. Okay. And what do you do for a living?

16 A. I'm a vendor rep for QVC. I do not work for
17 them. I'm an independent contractor that puts products
18 on.

19 Q. And so what are your responsibilities in that
20 position?

21 A. I am the one who looks for products to bring to
22 QVC; once we're there, negotiating the best deals with
23 the buying offices, making sure we get on air.

24 The day of the airings, a lot of stuff goes
25 into being there, working with the people to set up the

1 airings, working with people to make sure the camera
2 angles are right. There's a lot to it.

3 Afterwards following up with the buying
4 offices, making sure we can get the reorders we need or
5 if the product doesn't do well, the best way that we can
6 either get rid of it, or whether we need to return it,
7 or whether we need to work on pricing, et cetera.

8 Q. So are you retained by the vendor?

9 A. Yes.

10 Q. Okay. Are you the interface for the vendor
11 with QVC and whatever processes and procedures they
12 have?

13 A. Yes.

14 Q. Okay. So did there ever come a time when you
15 entered into a loan agreement with NOVA Bank?

16 A. Yes.

17 Q. What kind of loan?

18 A. It was an interest-only line of credit for my
19 home.

20 Q. Okay. And when did you enter into that line
21 of credit?

22 A. 2009.

23 Q. Can we also call that a HELOC?

24 A. Yes.

25 Q. Okay. Now, what was the purpose of the loan?

1 A. The purpose of the loan was for the house. We
2 were doing home improvements.

3 Q. Okay. Was the loan secured?

4 A. Yes.

5 Q. And what was it secured by?

6 A. The house, I guess. When you say "secured" --

7 Q. Did you get a mortgage for that loan?

8 A. Yes.

9 Q. Okay. And was that mortgage on the
10 2111 Spring Garden Street property?

11 A. Yes. It was the second mortgage.

12 Q. Okay. Now, looking at Plaintiff's Exhibit 1,
13 is that a copy of the Credit Agreement and Disclosure
14 that you and your wife signed with NOVA Bank?

15 A. Yes.

16 Q. And was that agreement also signed by
17 NOVA Bank?

18 A. Yes.

19 Q. What was the term of that loan?

20 A. I believe it was a ten-year interest-only loan
21 that had revolving credit -- I'm sorry, revolving
22 interest rate.

23 Q. Did it have a variable interest rate?

24 A. Yes, it did.

25 Q. Okay. And was it for a ten-year term?

1 A. Yes.

2 Q. Was that term to expire in December 2019?

3 A. Yes.

4 Q. And were you able to write checks on that
5 line of credit, as you needed, as long as there was
6 room within the line of credit to do so?

7 A. Yes, I was.

8 Q. And what was the maximum principal you could
9 take out on that loan?

10 A. \$150,000.

11 Q. When you had that loan with NOVA Bank, were
12 you able to draw on the line of credit by writing
13 checks?

14 A. Yes.

15 Q. Were you able to do so by telephone?

16 A. Yes.

17 Q. Were you able to do so by mail?

18 A. Yes.

19 Q. Were you able to do so by fax?

20 A. Yes.

21 Q. Were you able to do so in person?

22 A. Yes.

23 Q. Okay. Now, how frequently were you required
24 to make payments on that loan with NOVA Bank --

25 A. Each month.

1 Q. It's going to be easier for me to ask
2 questions if you wait until I complete them.

3 A. I'm sorry.

4 Q. Okay. Now, was NOVA Bank required to provide
5 you with periodic statements under the terms of the
6 loan that is Plaintiff's Exhibit 1?

7 A. Yes, they were.

8 Q. Okay. Is the language relating to that
9 requirement found in the last four paragraphs on
10 Page 2, and let's go on to Page 3, the top of Page 3?

11 A. Yes.

12 Q. Now, can you take a quick look at Plaintiff's
13 Exhibit 3, and tell me if that is a copy of the
14 mortgage that you and your wife signed in support of
15 the HELOC loan with NOVA Bank?

16 A. On Exhibit 3, I don't see a signature here. I
17 just want to verify.

18 Q. Go to Page 14 of the mortgage.

19 A. Yes.

20 Q. Now, when you were banking with NOVA Bank,
21 did you receive periodic statements on a monthly
22 basis from NOVA Bank?

23 A. Yes.

24 Q. Can you take a look at Plaintiff's Exhibit 8,
25 please?

1 A. Okay.

2 Q. Is that a copy of one of the periodic
3 statements you received from NOVA Bank?

4 A. Yes.

5 Q. With respect to that document, is that from
6 the period of time at the beginning of your loan with
7 NOVA Bank?

8 A. Yes.

9 Q. Now, can you tell me what items are listed in
10 that document in terms of the itemization for any
11 payment that NOVA Bank was looking for from you in
12 December of 2009?

13 A. Yes. There are the checks that were written,
14 which were two checks. There's a finance charge, and
15 then an explanation of how the finance charge was
16 calculated.

17 As you can see on 12-2, the APR is 5.49. That
18 APR changed on 4-11 to 4.90. So, I guess, almost on a
19 weekly basis the APR would change on the statements in
20 order to be a different finance charge each month.

21 Q. Do you have an understanding of how or the
22 process by which NOVA Bank went through to make the
23 calculations of interest when it produced the
24 periodic statements you received?

25 A. I have no idea.

1 Q. Now, did there ever come a time when
2 NOVA Bank stopped servicing this HELOC loan?

3 A. When they went under.

4 Q. Okay. When was that?

5 A. That was 2013? 2011.

6 Q. Do you know if it was in -- I'm sorry, in
7 October of 2012?

8 A. Yes, okay. Yes.

9 Q. Okay. Now, who took over for NOVA Bank at
10 the time that NOVA Bank went under?

11 A. The FDIC.

12 Q. The Federal Deposit Insurance Corporation?

13 A. Yes.

14 Q. So for purposes of today, we'll call it the
15 FDIC; is that okay?

16 A. Yes.

17 Q. Okay. Now, how long -- well, strike that.

18 Well, did the FDIC ever provide you with
19 periodic statements regarding your HELOC loan during the
20 time it was servicing that loan?

21 A. No.

22 Q. Okay. Was the last periodic statement that
23 you received on this loan from NOVA Bank for October
24 of 2012?

25 A. Yes.

1 Q. Did there ever come a time when the HELOC
2 loan was transferred from the FDIC to Amos Financial
3 LLC?

4 A. Yes.

5 Q. Do you recall when that was?

6 A. No, I can't. If you give me a date, I can
7 confirm, but --

8 Q. Okay. Do you recall if that was in or about
9 March 2013?

10 A. Yes.

11 Q. Okay. Now, getting back for a moment to the
12 terms of the HELOC loan, what would happen if you
13 paid more than the variable interest minimum that was
14 due in a given month when it was being serviced by
15 NOVA Bank?

16 A. It would go to my principal amount.

17 Q. Now, what was your understanding would happen
18 at the time of maturity if there was any principal
19 balance left on the loan?

20 A. I would either repay the principal or be able to
21 refinance my loan.

22 Q. Okay. Now, is there anything in the Credit
23 Agreement, that is Plaintiff's Exhibit 1, that
24 suggests to you that the lender, which at the time
25 you signed this was NOVA Bank, had any option to

1 discontinue sending you periodic statements on a
2 monthly basis?

3 A. No.

4 Q. Now, so, again, looking at Plaintiff's
5 Exhibit 8, this periodic statement, did it provide
6 you with the principal?

7 A. Yes.

8 Q. Did it provide you with the minimum payment
9 due?

10 A. Yes.

11 Q. Did it provide you with the changes in the
12 interest rate during the month?

13 A. Yes.

14 Q. Did it provide you with the number of days
15 during which the applicable interest rates were used
16 to calculate the minimum monthly payment?

17 A. Yes.

18 Q. Did it provide you with the amounts past due,
19 if any?

20 A. Yes.

21 Q. Did it provide you with the late charges, if
22 any?

23 A. Yes.

24 Q. Okay. Did the interest rate that you were
25 charged change during the approximate three-year

1 period that NOVA Bank was servicing your loan?

2 A. Yes. On almost a weekly basis. Every statement
3 was a different amount.

4 Q. Okay. I'd like to turn your attention to
5 Plaintiff's Exhibit 7; do you see that document?

6 A. Yes.

7 Q. Do you know what that document is?

8 A. I do.

9 Q. What is it?

10 A. This is a list of payments made throughout the
11 term of the loan by month.

12 Q. Okay. And up to and through October of 2012,
13 do you believe this to be an accurate payment history
14 of your HELOC loan?

15 A. Yes.

16 Q. Okay. Were you ever provided with a copy of
17 this document before the litigation in this case?

18 A. No.

19 Q. Did you receive a copy of this document from
20 the defendant, Amos Financial LLC, through this
21 litigation?

22 A. No. When you say "through this litigation,"
23 meaning -- I first received this at the deposition, is
24 the first time I saw this.

25 Q. That was your deposition in this case?

1 A. Yes, it was.

2 Q. Okay. During the time that NOVA Bank
3 serviced this loan, were there any two months where
4 the minimum payment was the same?

5 A. No.

6 Q. Did you make the monthly payments through
7 October 2012?

8 A. Yes.

9 Q. Does Plaintiff's Exhibit 7, at least through
10 October 2012, reflect instances where you made
11 payments in excess of the minimum variable monthly
12 payment?

13 A. Yes, it does .

14 Q. Now, do you recall receiving correspondence
15 from the FDIC?

16 A. Yes.

17 Q. Let's stop for a second and let me ask you,
18 sir, is the house that you live in on Spring Garden
19 Street different today than it was when you took out
20 the HELOC loan in 2009?

21 A. Yes.

22 Q. Can you describe for me what happened to make
23 that home fundamentally different today than it was
24 then?

25 A. Are you talking about from the money from the

1 loan or the fire?

2 Q. Well, let's talk about both of those.

3 A. Okay. So, yes. So the money from the loan went
4 to house improvements. We had just had our kids. We
5 had used the money to fix our house up, you know, just
6 basic, you know, marriage, have twins, have a great
7 house, fix it up. Then in January of 2014, we had a
8 fire.

9 Q. Do you know if it was January of 2015?

10 A. Oh, '15, I'm sorry. Yes. Yes, January 2015 we
11 had the fire.

12 After that the house -- mostly smoke damage, a
13 lot of burning and stuff, so the house was completely
14 gutted and redone, built back up into the house that it
15 is today.

16 Q. Was that predominantly at the expense of your
17 homeowner's insurer?

18 A. Yes.

19 Q. Okay. Now, did you lose documentation
20 relating to this loan that we've been talking about
21 in that fire?

22 A. Yes. Everything that was kept in my office, all
23 the paper, was taken out of the house almost
24 immediately.

25 Q. Now, looking at Plaintiff's Exhibit Number 9,

1 is it your understanding that Amos claims that you
2 received this letter from the FDIC dated
3 November 30th, 2012?

4 A. Yes.

5 Q. Do you have any reason to dispute the receipt
6 of this letter at about that time?

7 A. No.

8 Q. Is it addressed to you and your wife, Alison?

9 A. Yes, it is.

10 Q. Does it provide any specifics regarding your
11 loan such as principal, interest, interest rate,
12 minimum payments?

13 A. No.

14 Q. Does Exhibit 9 state that there was any
15 default of the Credit Agreement as of November 30th,
16 2012?

17 A. No.

18 Q. Now, directing your attention to the fourth
19 paragraph of Exhibit 9, did the FDIC ask you and your
20 wife to "voluntarily waive" -- I'm quoting,
21 "voluntarily waive any obligation of the receiver to
22 fund or to make any further advances or draws," under
23 the credit agreement?

24 A. Yes.

25 Q. Does it offer you or your wife anything in

1 return to agree to provide such a waiver?

2 A. No.

3 Q. In the same paragraph, does it also request
4 that you indicate your consent to such a waiver by
5 signing the letter?

6 A. Yes.

7 Q. Looking at Page 2, and the signature blocks
8 that are identified on that, does Exhibit 9,
9 Plaintiff's Exhibit 9 incorrectly identify you and
10 your wife as "Guarantors"?

11 A. Yes, that is incorrectly identifying us as
12 Guarantors.

13 Q. Were the two of you the borrowers on the
14 loan?

15 A. We were the borrowers.

16 Q. Okay. Did you and your wife ever sign this
17 letter?

18 A. No.

19 Q. Is Exhibit 9 signed by either you or your
20 wife?

21 A. No.

22 Q. Is there any amount listed for your HELOC
23 loan in this letter that is Plaintiff's Exhibit 9?

24 A. No.

25 Q. Okay. Turning the page to Plaintiff's

1 Exhibit 10.

2 Is it your understanding that Amos claims that
3 you received this letter from the FDIC dated
4 December 5th, 2012?

5 A. Yes.

6 Q. Do you have any reason to dispute your
7 receipt of this letter at about that time?

8 A. No, sir.

9 Q. Is Exhibit 10 addressed to you and your wife,
10 Alison?

11 A. Yes.

12 Q. Does it provide any specifics regarding your
13 loan such as principal, interest, interest rate,
14 minimum payments and the like?

15 A. No, no.

16 Q. Does it list any amount whatsoever associated
17 with your loan?

18 A. No.

19 Q. Does it state that there's any default of the
20 Credit Agreement as of December 5th, 2012?

21 A. No.

22 Q. Again, directing your attention to the fourth
23 paragraph of Exhibit 10, did the FDIC ask you and
24 your wife to, in quotes, "voluntarily waive any
25 obligation of the receiver to fund or make any

1 further advances or draws," under the Credit
2 Agreement?

3 A. Yes.

4 Q. Does it offer you or your wife anything in
5 return to provide such a waiver?

6 A. No.

7 Q. In the same paragraph, does it also request
8 that you indicate your consent to such a waiver by
9 signing the letter?

10 A. Yes.

11 Q. Did you or your wife ever sign the letter?

12 A. No.

13 Q. Is Exhibit 10 signed by either you or your
14 wife?

15 A. No.

16 Q. Okay. Turning your attention to Plaintiff's
17 Exhibit 11. Actually, strike that.

18 After you stopped receiving periodic statements
19 from NOVA Bank in October 2012, what, if anything, did
20 you do?

21 A. I, at one point after receiving the FDIC letter,
22 tried to send a check to the FDIC. I don't know the
23 time. I believe it was right before the last letter
24 that's on here. Then that was not cashed. We had
25 waited a little bit to get our PNC account. Once we had

1 that we mailed the check off.

2 I believe I had called the Washington FDIC, and
3 they scrolled down and they said, yes, this bank is in
4 default.

5 MR. HELBING: Objection, hearsay.

6 THE COURT: It is hearsay, counsel.

7 Pursuant to the conversation that you had, what
8 did you next do?

9 THE WITNESS: I next found out what I can
10 do, and they said that it would be --

11 MR. HELBING: Objection, hearsay.

12 THE COURT: Don't tell us what they said.
13 Tell us what you did.

14 THE WITNESS: Okay. What I did was I
15 waited to get a statement from the next bank that would
16 be dealing with the loans. So whoever bought the loan,
17 I was going to deal with them in order to get back on
18 track and start making payments.

19 BY MR. JACKO:

20 Q. Did you ask the FDIC to provide you with an
21 itemization for that HELOC loan in that conversation?

22 A. I did not.

23 Q. Okay. Now, did the FDIC ever return the
24 check that you sent them?

25 A. No.

1 Q. Now, how much did you make out that check
2 for?

3 A. I made it out for the last payment that I had
4 given, so I don't recall, but whatever the last payment
5 was of the loan I mailed that.

6 You know, I didn't exactly know, as we're here
7 today, what the actual finance charge was, so what I did
8 was I mailed the previous finance charge that I paid and
9 sent it off.

10 Q. Okay. Would that have been for an amount of
11 a little more than \$500?

12 A. Yes.

13 THE COURT: Where was it sent off to?

14 THE WITNESS: The FDIC. I believe it was
15 sent to the address that was here, the Berwyn address.

16 BY MR. JACKO:

17 Q. Now, during the time that the FDIC was
18 servicing your HELOC, did FDIC ever tell you how you
19 would and could go about drawing on your line of
20 credit?

21 A. No.

22 Q. Now, looking at Plaintiff's
23 Exhibit Number 11, is it your understanding that Amos
24 claims that you received this letter from the FDIC
25 dated January 16th, 2013?

1 A. Yes.

2 Q. Do you have any reason to dispute the receipt
3 of this letter or about that time?

4 A. No.

5 Q. Is Plaintiff's Exhibit 11 addressed to you
6 and your wife, Alison?

7 A. No. It's just addressed to me.

8 Q. Does Plaintiff's Exhibit 11 declare your
9 HELOC loan to be in default?

10 A. Yes.

11 Q. Is that declaration of default contained in
12 the second -- I'm sorry, the third sentence of the
13 second paragraph?

14 A. Yes.

15 Q. Does Plaintiff's Exhibit 11 identify any
16 amount associated with your HELOC loan?

17 A. No.

18 Q. Does Plaintiff's Exhibit 11 state that the
19 FDIC had actually decided to terminate and accelerate
20 the repayment of your loan?

21 A. No.

22 Q. Does Plaintiff's Exhibit 11 state any
23 deadline for action on your part?

24 A. No. Oh, wait. Hold on. Not that I see, no.

25 Q. Okay. Now, did there ever come a time when

1 the FDIC informed you that it was going to sell your
2 loan to Amos Financial LLC?

3 A. Yes.

4 Q. Now, turning your attention to Plaintiff's
5 Exhibit 12, you'll see that it's a Notice of
6 Assignment, Sale or Transfer of Servicing Rights; do
7 you see that document?

8 A. I do.

9 Q. Okay. Is it your understanding that Amos
10 claims that you received this letter from the FDIC
11 and Amos that's dated March 28th, 2013?

12 A. Yes.

13 Q. Do you have any reason to dispute your
14 receipt of this letter at about the time that it is
15 dated?

16 A. No.

17 Q. Is Plaintiff's Exhibit 12 addressed to you
18 and your wife, Alison?

19 A. No.

20 Q. Who is it addressed to?

21 A. Just to me.

22 Q. Does anyone's physical signature appear on
23 either of the signature blocks for this letter?

24 A. No.

25 Q. What's your understanding at the time you

1 received this communication of what it was trying to
2 tell you?

3 A. That another bank would be taking over servicing
4 my loan, that there would be some sort of, you know,
5 welcome package, some checks, and I would just pick up
6 the loan with the new bank.

7 Q. Was there anything in this communication that
8 informed you that Amos was going to take over the
9 loan as a debt collector?

10 A. No.

11 Q. Now, other than telling you about the
12 upcoming sale and transfer of the loan to Amos, and
13 providing you with Amos' contact information, does
14 this, Plaintiff's Exhibit 12, provide any specifics
15 regarding your loan such as principal, interest,
16 interest rate, minimum payments and the like?

17 A. No.

18 Q. Did you or your wife, Alison, ever receive
19 the type of welcoming letter and replacement HELOC
20 checks or any written communication explaining
21 anything about how you could borrow against the line
22 of credit, like you could when it was with NOVA Bank,
23 at any time after October 2012?

24 A. No.

25 Q. Okay. Now, after Amos Financial LLC became

1 your loan servicer, did you begin receiving any
2 monthly periodic statements, like you did when
3 NOVA Bank was servicing your loan?

4 A. No.

5 Q. Turning your attention to Plaintiff's
6 Exhibit 13, is it your understanding that
7 Amos Financial LLC claims that you received the
8 letter dated June 5th, 2013, that is Plaintiff's
9 Exhibit 13?

10 A. Yes.

11 Q. Do you have any reason to dispute your
12 receipt of this letter at about that time?

13 A. No.

14 Q. Does Plaintiff's Exhibit 13 state that
15 Amos -- and when I say "Amos," sir, I'm referring to
16 Amos Financial LLC; do you understand that?

17 A. Yes, I do.

18 Q. Does Plaintiff's Exhibit 13 state that Amos
19 has declared your loan to be in default?

20 A. I see that it's saying that it's late, but I
21 don't "in default," no.

22 Q. You don't see the word "default" anywhere in
23 that letter --

24 A. I do not see the word "default."

25 Q. -- is that correct?

1 A. Right, that's correct.

2 Q. Okay. Is there any indication in Plaintiff's
3 Exhibit 13 as to the manner in which any accrued
4 finance charges were calculated?

5 A. No.

6 Q. Is any principal identified in Plaintiff's
7 Exhibit 13?

8 A. No.

9 Q. Does anything in Plaintiff's Exhibit 13 tell
10 you the period of time during which the alleged past
11 due amount was accruing?

12 A. No.

13 Q. Now, looking at the signature block for
14 John Carroll, is there any physical signature in that
15 signature block?

16 A. No.

17 Q. Is there anything in this letter that
18 indicates that John Carroll is an attorney for
19 Amos Financial LLC?

20 A. No.

21 Q. Is there anything in Plaintiff's Exhibit 13
22 that identifies Mr. Carroll's title or position with
23 Amos?

24 A. No.

25 Q. Does Page 2 of Exhibit 13 indicate that Amos

1 is attempting to collect a debt?

2 A. Yes.

3 Q. Now, is Plaintiff's Exhibit 13 the first time
4 that you were informed that your loan was assigned a
5 new account identifier of NOVA 7?

6 A. Yes.

7 Q. Now, if you could turn to Plaintiff's
8 Exhibit 14, sir, is it your understanding that Amos
9 claims that you received the letter dated July 24th,
10 2013, that is Plaintiff's Exhibit 14?

11 A. Yes.

12 Q. Do you have any reason to dispute your
13 receipt of this letter at about that time?

14 A. No.

15 Q. Does Plaintiff's Exhibit 14 state that Amos
16 has declared your loan to be in default?

17 A. No.

18 Q. Does Plaintiff's Exhibit 14 identify any date
19 of default or the manner in which any accrued finance
20 charges were calculated?

21 A. No.

22 Q. Does it state that your loan was terminated
23 and accelerated?

24 A. No.

25 Q. Does it tell you what the principal was on

1 your loan at that time?

2 A. No.

3 Q. Does it tell you the period of time during
4 which the alleged past due amount was accruing?

5 A. No.

6 Q. Does it tell you where in the Credit
7 agreement, that is Plaintiff's Exhibit 1, that the
8 lender had any right to increase the amount of
9 interest upon any default?

10 A. No. In fact, according to that, they were not
11 allowed to go up to 9.49, according to the Credit
12 Agreement. I can probably find that.

13 Q. Now, looking at Plaintiff's Exhibit 1, at
14 Page 4, could you read into the record the paragraph
15 that starts with the words "Rate Increase" that is a
16 subparagraph under the "Lender's Rights" section?

17 A. "Rate Increase. In addition to other rights
18 during termination and acceleration, we may increase the
19 variable ANNUAL PERCENTAGE RATE under the agreement to
20 5 percentage points over the then applicable ANNUAL
21 PERCENTAGE RATE. The ANNUAL PERCENTAGE RATE will not
22 exceed the maximum rate permitted by the applicable law.
23 If we do not increase the annual percentage rate upon
24 termination or acceleration of your credit line account,
25 it will continue all the" -- I cannot read, "variable

1 rate in effect of the date of the termination or
2 acceleration of your credit line account."

3 Q. Thank you.

4 Do you agree with me that the word "default"
5 does not appear in that paragraph?

6 A. It does not.

7 Q. Now, let's go back to Plaintiff's Exhibit 14.

8 Is Mr. Carroll's physical signature on that
9 document?

10 A. No.

11 Q. Does that document anywhere indicate that
12 Mr. Carroll an attorney for Amos?

13 A. No.

14 Q. Does it identify Mr. Carroll's title or
15 position with Amos?

16 A. No.

17 Q. Now, turning to Plaintiff's Exhibit 15, is it
18 your understanding that Amos claims that you received
19 the letter dated September 20th, 20013, that is
20 Plaintiff's Exhibit 15?

21 A. Yes.

22 Q. Do you have any reason to dispute your
23 receipt of that letter at about that time?

24 A. No.

25 Q. Does Plaintiff's Exhibit 15 state that Amos

1 has declared your loan to be in default?

2 A. No.

3 Q. I'm sorry, I'm going to direct your attention
4 to the last paragraph on the first page.

5 A. Okay. Yes, okay. Yes.

6 Q. So let me ask it again so the record is
7 clear.

8 Does Plaintiff's Exhibit 15 state that Amos has
9 declared your loan to be in default?

10 A. Yes.

11 Q. Does it identify any date of delinquency or
12 the manner in which any accrued finance charges were
13 calculated?

14 A. No.

15 Q. Does it state that your loan was terminated
16 and accelerated?

17 A. No.

18 Q. Does it tell you the principal on your loan
19 at that time?

20 A. No.

21 Q. Does it tell you the period of time which the
22 allegedly past due amount was accruing?

23 A. No.

24 Q. Does it state that Amos had decided to
25 increase your interest rate accruing in quotes "by an

1 additional 5 percent to 9.49 percent"?

2 A. Yes.

3 Q. Was it your understanding at that time, then,
4 that as a result of it declaring the loan to be in
5 default, Amos had decided to raise the variable
6 interest rate on your HELOC to a range of 5 percent
7 to 9.49 percent --

8 A. Yes.

9 Q. -- without telling you precisely what rate it
10 was applying, without informing you of any decision
11 by it to terminate and accelerate the loan?

12 A. Yes. And also, as we looked at the Credit
13 Agreement, it says "pursuant to the terms of the Credit
14 Agreement." That's not the terms of the Credit
15 Agreement.

16 Q. Thank you.

17 THE COURT: What's the last payment that
18 you had made towards this equity loan? Is that the
19 October 2012?

20 THE WITNESS: Yes. That's right before
21 NOVA went out of business. In fact, I believe I made
22 the payment the day that they went out of business,
23 because I made the payment. Later that night I was
24 actually out at a Wawa, and my card was turned down. It
25 said "See financial" -- it was a weird thing.

Gregg B. Wolfe, RPR, CM
215-460-1511

1 And then when that happened, I had looked and I
2 saw that they were out, that they went under. But I had
3 made my payment.

4 I made my payment every month. I used to go to
5 the bank and see them. I knew all the tellers. I would
6 get my kids lollipops.

7 THE COURT: So my question to you, sir, is
8 that there was almost a whole year that it expired that
9 you had made no mortgage payments at all?

10 THE WITNESS: Yes.

11 THE COURT: Okay. Very well.

12 MR. JACKO: Your Honor, you used the word
13 "expired."

14 THE COURT: When you say "expired."

15 MR. JACKO: There was no expiration. The
16 loan itself would have been in place until 2019.

17 THE COURT: Yes, it's still an existing
18 loan --

19 MR. JACKO: Right.

20 THE COURT: -- but there was a period from
21 October 2012 to September 20th, this last letter that
22 you introduced, that your client made no payment towards
23 any outstanding obligation; is that correct?

24 MR. JACKO: That is correct, Your Honor.

25 THE COURT: Continue on. I asked the

1 question for my own information.

2 MR. JACKO: Right, okay.

3 BY MR. JACKO:

4 Q. Now, again, Mr. Tepper, looking at Plaintiff's
5 Exhibit 15, does Mr. Carroll's physical signature
6 appear on that document?

7 A. Yes.

8 Q. Does it anywhere indicate that Mr. Carroll is
9 an attorney for Amos?

10 A. No.

11 Q. Does it identify Mr. Carroll's title or
12 position with Amos?

13 A. No.

14 Q. Did you or your wife sign the receipt for
15 this letter?

16 A. No. This is the one that I don't recall
17 getting. It has a signature saying "AS," and that's not
18 mine or Alison's signature, so I don't recall getting
19 this, and I don't know.

20 Q. But you have no reason to dispute your
21 receiving this?

22 A. No, I have no reason to dispute.

23 Q. Now, did you ever respond to any of the
24 letters that you received from Amos that we've
25 discussed today?

1 A. That we discussed today so far? No.

2 Q. Okay.

3 THE COURT: Why not?

4 THE WITNESS: I assumed that I was going to
5 get a welcome package. When they are not showing me an
6 interest or any other things, I was suspect of it.

7 It was later on that I got a letter from the
8 lawyer, and that I did respond to. When I responded to
9 that, my answer was not -- they didn't give me
10 statements. In fact, I was verbally abused.

11 THE COURT: So when you say you were
12 suspect, what are you saying, sir?

13 THE WITNESS: Well, I'm used to getting an
14 interest and the principal and paying that.

15 When they are sending me these threatening
16 letters without a welcome letter, I was informed by
17 FDIC -- I know it is hearsay -- that my loan would be
18 bought out and serviced.

19 THE COURT: So they told you who that
20 company --

21 THE WITNESS: They didn't know at the time.
22 They did not know.

23 THE COURT: What identification, if any,
24 did you receive who the person was that was buying the
25 loan?

1 THE WITNESS: I didn't receive anything.
2 The only thing I received was here when Amos was taken
3 over.

4 THE COURT: Okay. What did you do in that
5 regard? Did you contact them? Did you sit down with
6 them and go through your obligation that was
7 accumulating because you are not making any payments?

8 THE WITNESS: Not until later on.

9 THE COURT: So how long did you wait?
10 Approximately. Give me a round estimate. Six months,
11 nine months, a year?

12 THE WITNESS: November 2014.

13 THE COURT: So this was not a pressing
14 matter as far as you were concerned?

15 THE WITNESS: There was nothing coming to
16 me every month. This wasn't --

17 THE COURT: I'm not asking about what's
18 coming to you.

19 THE WITNESS: No, I thought this was almost
20 a scam.

21 THE COURT: Okay. Let me ask you this
22 question. I'm trying to understand your reasoning and
23 your circumstances.

24 THE WITNESS: Okay, sure.

25 THE COURT: You entered into this

1 agreement, and you were making monthly payments on it.

2 THE WITNESS: Yes, sir.

3 THE COURT: Okay. Now, you were making
4 approximately -- just round out the payments.

5 THE WITNESS: Uh-huh.

6 THE COURT: How much were you paying per
7 month, round figures? Approximately. Average.

8 THE WITNESS: 560.

9 THE COURT: 560. Let's make it 550. All
10 right?

11 THE WITNESS: Okay.

12 THE COURT: You are making 550 payments per
13 month for the period of time until NOVA is no longer a
14 viable bank?

15 THE WITNESS: Yes, Your Honor.

16 THE COURT: How long was that?

17 THE WITNESS: Almost two years.

18 THE COURT: Two years.

19 THE WITNESS: Yes.

20 THE COURT: All right. So we're talking
21 about 550. We're talking about 612, maybe \$14,000. All
22 right?

23 THE WITNESS: Yes.

24 THE COURT: Okay. So you're paying \$14,000
25 during that period of time, and then after you get

Gregg B. Wolfe, RPR, CM
215-460-1511

1 notice from FDIC, you make one last payment.

2 THE WITNESS: Uh-huh.

3 THE COURT: And you make no other payments
4 for another year or two years.

5 THE WITNESS: Yes.

6 THE COURT: Very good. That's what I
7 wanted to know.

8 THE WITNESS: Okay.

9 BY MR. JACKO:

10 Q. Do you recall receiving an Act 91 Notice from
11 Amos?

12 A. I don't recall the one that was sent in the
13 Mr. Carroll letter, but I know they had discussed that.
14 I did receive an Act 91 letter from Mr. Helbing in
15 October of that year.

16 Q. Now, turning your attention to Plaintiff's
17 Exhibit 16, is that a copy of that notice that you
18 just described?

19 A. Yes.

20 Q. And is it your recollection that you received
21 this in November of 2014?

22 A. Yes.

23 Q. Does this notice state that a default existed
24 on your mortgage for amounts past due since
25 November 2012 in the amount of \$22,445.99?

Gregg B. Wolfe, RPR, CM
215-460-1511

1 A. Yes, and I have no idea how that number came
2 about.

3 Q. Is that because there's no itemization or
4 calculation of that amount?

5 A. As the judge just said, it was probably around
6 \$15,000 and all of a sudden it's up to 22 and without
7 any explanation of how they got to that number.

8 Q. What kind of details does it provide about
9 your loan?

10 A. Just the past due amount. It doesn't even have
11 what my principal was.

12 Q. Does this notice state that your loan was
13 terminated and accelerated?

14 A. I don't believe so, no.

15 Q. Now, after you received this Act 91 Notice,
16 what, if anything, did you do?

17 A. When I received this, I mailed a letter to them,
18 and the letter was through counsel. It basically stated
19 that I would like to see the two years of statements, so
20 that we could come to terms on this.

21 Q. Now, were you ever provided with periodic
22 statements as a result of that communication?

23 A. No, sir. They went right to foreclosure.

24 Q. Were you ever told why you weren't going to
25 be provided with periodic statements?

1 A. I was told that I did not deserve them.

2 Q. Who told you that?

3 A. Mr. Korogluyan.

4 Q. Was that at a subsequent communication?

5 A. Yes. That was in our phone call.

6 Q. Okay. Do you recall if Amos filed suit
7 against you in a mortgage foreclosure action?

8 A. Yes.

9 Q. You and your wife?

10 A. Yes.

11 Q. Do you recall when that was?

12 A. I made my phone call August 6th, so it was right
13 after that. They said in the call that they were moving
14 forward with that, but I guess you guys were served with
15 the papers later in August.

16 Q. I'm sorry, you said August, but do you mean
17 April?

18 A. I'm sorry, April. April. I apologize.

19 Q. Okay. Now, turning your attention to
20 plaintiff's exhibited --

21 THE COURT: Who is "you guys"?

22 THE WITNESS: My attorneys. I had them --

23 THE COURT: So you had hired attorneys by
24 the time that they had served you?

25 THE WITNESS: Yes. Well, what happened

1 is --

2 THE COURT: I just asked --

3 THE WITNESS: Okay.

4 THE COURT: -- whether or not you hired an
5 attorney.

6 THE WITNESS: After the phone call, I hired
7 attorneys, yes.

8 THE COURT: Very good.

9 BY MR. JACKO:

10 Q. At the time of the phone call in April 2015,
11 had you been served with a copy of any Foreclosure
12 Complaint filed against you by Amos?

13 A. Just the Act 91.

14 Q. But I'm asking you about a Complaint in
15 litigation that told you that you were being sued in
16 a foreclosure action.

17 Had you received that by a process server from
18 Amos?

19 A. Not yet.

20 Q. Okay. Turning your attention to Plaintiff's
21 Exhibit 17, is that a copy of the Complaint and
22 Mortgage Foreclosure that Amos filed against you and
23 your wife on March 26th, 2015 in the Court of Common
24 Pleas for Philadelphia County, Pennsylvania?

25 A. Yes.

1 Q. Now, if you would be kind enough, sir, and
2 can turn your attention to Exhibit E of that
3 Complaint, you'll see that there's a letter from
4 Mr. Helbing to you.

5 Is that the letter that you received that
6 originally provided you with the Act 91 Notice that you
7 were talking about?

8 A. Yes, sir.

9 Q. Now, and just so we're clear, you didn't
10 retain counsel until after you had this telephone
11 call on April 6th, 2015?

12 A. Yes, I did not retain counsel until after that.

13 Q. You didn't have a copy of this Complaint in
14 your possession at that time, correct?

15 A. No.

16 Q. Okay. Now, from the time that the Act 91
17 Notice was received by you in November 2012, until
18 you had this telephone conversation of April 6th,
19 2015, did you have any telephone communications with
20 Amos' lawyer, Mr. Eric Helbing?

21 A. I tried to contact him prior to that date. I
22 left a message and some text messages. He did respond
23 to a text to call Amos, and that's when I called Amos on
24 the 6th.

25 Q. Okay. Who did you speak to on April 6th,

1 2015?

2 A. At first I spoke to Mr. Carroll, John Carroll,
3 who -- it was a pretty bad phone call as far as I -- you
4 know, I identified myself, who I was. I had explained
5 that I was just calling to see what was going on. I'd
6 like to get the statements and get to the bottom of
7 this.

8 I'd like to know, you know, how they got to the
9 figure of what I owe. I told him about the fire. He
10 really wasn't concerned, except to tell me that, you
11 know, the money that the insurance company gets is
12 theirs, and I owe them that money, too.

13 I then asked if he knew the stats of this, and
14 his line was he's not a lawyer, which I now find out
15 that he's a lawyer. He said, "I'm not a lawyer. I
16 don't know."

17 With that, I was, you know, sort of jarred up
18 and like, "What's going on here?" I gave Mr. Helbing a
19 call back and left him a message and the message was,
20 "Can you please call me? I'm hoping you're going to
21 treat me a little nicer than they did, you know, I just
22 want to find out what's going on."

23 Later that day is when I got another phone call
24 from Amos Financial, and that is the phone call that was
25 just beyond any phone call that I could ever imagine

1 getting.

2 Q. I'll ask you questions about that phone call.

3 A. Okay.

4 Q. But when you were speaking with Mr. Carroll,
5 did he indicate in that conversation whether you had
6 been sued in a Mortgage Foreclosure action?

7 A. He told me that he didn't know the status of it,
8 and that he wasn't a lawyer and that he would have
9 someone else call me that day.

10 Q. Okay. When was the first time that you
11 learned that Mr. Carroll was a lawyer?

12 A. A few days ago.

13 Q. Now, you said that you received a telephone
14 call later that day?

15 A. Yes.

16 Q. Who was that from?

17 A. Mr. Korogluyan.

18 Q. And was that Nareg Korogluyan?

19 A. Yes. He identified himself as Nareg Korogluyan,
20 yes.

21 Q. Did you sit through Mr. Nareg Korogluyan's
22 deposition in this case?

23 A. Yes.

24 Q. And is he present in the courtroom today?

25 A. Yes, he is.

1 Q. Now, at the time that Amos filed its
2 Complaint and Mortgage Foreclosure on March 26th,
3 2015, do you know if it was registered to do business
4 in Pennsylvania?

5 A. I now know that they were not.

6 Q. Do you know if publicly available records
7 with the Pennsylvania Corporations Bureau confirmed
8 that Amos was not registered to do business in
9 Pennsylvania until October 2015?

10 A. Yes, I do.

11 Q. Could you please take a look at Plaintiff's
12 Exhibit 32?

13 A. (Witness complied.)

14 Q. I'll represent to you, sir, that this is a
15 publicly available document on the Pennsylvania
16 Corporation's Bureau website.

17 Can you please identify the entity to whom it
18 relates?

19 A. Amos Financial LLC.

20 Q. Can you please identify the dates of its
21 registration?

22 A. 10-26-2015.

23 Q. Is that October 26th, 2015?

24 A. Yes, it is.

25 Q. Thank you.

1 Does the Foreclosure Complaint, that is
2 Plaintiff's Exhibit 17, provide you with the principal
3 allegedly due on your loan as of March 2015?

4 A. Yes.

5 Q. Is that the first time that anyone from Amos
6 identified the amount of alleged principal on your
7 loan to you or your wife?

8 A. Yes, it is. Plus I see that it's \$38.85 per day
9 in interest fees, which I have no idea how they can get
10 to that figure.

11 If I'm paying \$500 a month normally, how do you
12 get to \$38.85 a day? What if I made an interest
13 payment?

14 Q. Is there any statement in the Foreclosure
15 Complaint, that's Plaintiff's Exhibit 17, to indicate
16 that your loan was terminated and accelerated?

17 A. No.

18 Q. Have you ever received any written notice
19 from Amos that it had decided to terminate and
20 accelerate your HELOC loan?

21 A. No.

22 Q. What's the status of the Foreclosure action
23 against you?

24 A. It's pending. I believe we're July of this
25 year.

1 Q. For a trial?

2 A. For a trial, yes, sir.

3 Q. Now, when Mr. Korogluyan called you on
4 April 6th, 2015, can you explain to the Court what
5 transpired during that telephone conversation?

6 A. Yes. So he had called me, and, right off the
7 bat, you know, I said, "Hey, Jim Tepper, how are you? I
8 got this letter." I explained the house, and wanted to
9 see what was going on.

10 A little yelling and screaming. I was sort
11 taken aback from that.

12 Then he said, "We're foreclosing. We're
13 foreclosing."

14 I said, "Wait. Can you give me a statement?"

15 "You don't deserve statements. You don't
16 deserve statements. We're foreclosing."

17 I said, "Wait. I have a family."

18 "I don't care about your family."

19 Then it was he kept talking about if I didn't
20 pay on a car, that my car would be taken away and I
21 don't pay my house and they're taking my house.

22 It was like around and around and around.

23 And I said, "Look, Wells Fargo has my loan.
24 What about them?"

25 "That's your problem. I don't care about Wells

1 Fargo. You deal with that."

2 Again, it was my family, my kids.

3 "That's on you. That's on you."

4 And I just kept trying to -- I felt like they
5 were in a room, almost like the movie "Boiler Room,"
6 where everyone is sort of like listening in.

7 It was like, "How can we get this guy? How can
8 we get his family?"

9 It just sent me into like a tailspin. I mean,
10 I have never had a conversation before where it's like I
11 acknowledged the loan. I acknowledged that there are
12 obviously finance charges on the loan. I had never been
13 given the finance charges.

14 How do you go from, as you said, Your Honor,
15 around \$15,000 to all of a sudden it's 30? And now I'm
16 told I don't deserve a statement? That I don't deserve
17 my house? Your house is taken.

18 I mean, you know -- sorry. Let me compose.

19 It set me into probably the deepest depression,
20 the deepest anything I can ever imagine going through in
21 my life. I mean, I can't even tell you -- when you want
22 to do something right and you want to do something good
23 and you just want to pay. All I want to do is pay it.
24 I just want it done.

25 I don't understand this stuff. I don't

1 understand why someone just doesn't mail a letter saying
2 "Here's your" --

3 Q. Mr Tepper, I'd really like to keep your
4 testimony focused on. What occurred in the telephone
5 conversation?

6 A. Yelling, screaming. "This is our house. You
7 don't deserve your house. You didn't pay your loan.
8 You don't pay your car, your car is ours, not ours. You
9 don't pay your house. I don't care about your family.
10 That's up to you."

11 And I kept just talking to him about family.
12 Like, "Do you have kids? Do you understand? We just
13 went through a fire and I'm just trying to get my family
14 back. I just want to make the payment."

15 "That's your problem. You didn't pay. You
16 don't deserve a statement."

17 I kept saying, "What do you mean, I don't
18 deserve a statement?"

19 "We don't give statements."

20 Just on and on and on. It was like 30 to 40
21 minutes of just like around and around. I felt like I
22 was pleading for my life, and here I am having a family,
23 you know, I just want to -- look, we're not talking
24 about a lot of money here. We're not talking about
25 something that was a huge loan. If it was my \$3,000 a

1 month mortgage, I get it.

2 You know, like, that's a phone call, "What's
3 going on with this?"

4 This was almost like, "Why aren't they sending
5 me a statement? Why aren't they giving me this?"

6 When I asked for the letter, it clearly asked
7 for two months of statements. I don't think that's a
8 big deal.

9 In this conversation, it was like when I'm
10 explaining to him, "I asked for statements. Can you
11 give me statements?"

12 "You don't deserve it. Your house is mine.
13 Your house is ours. We're taking your house. There is
14 nothing you can do. You can't do anything."

15 Again, with the car, like "You don't pay your
16 car. Your car is ours."

17 Q. You're being a bit repetitious, so I'll stop
18 you there --

19 A. Sorry. That was the conversation.

20 Q. -- unless you have anything more to add?

21 A. You know what, I can't even think right now. It
22 was -- everything that I was trying to accomplish and
23 make right, you know.

24 Look, I get it. He didn't need to tell me that
25 my house is going to foreclosure, there's nothing that I

1 can do.

2 That's a flat-out lie. I mean, you don't need
3 to make someone feel the way that I did. And after the
4 conversation he gave me like a sum of money to pay,
5 28-some-thousand dollars, along with 700-something in
6 legal fees. There wasn't even a breakdown of that. I
7 still couldn't get my principal.

8 I still said, "What's my principal?"

9 He couldn't tell me. He couldn't tell me my
10 principal.

11 "How did you get this interest?"

12 "You don't deserve that."

13 I was saying, "Well, you know, it's been two
14 years. I probably owe, you know, let's just say
15 \$15,000. How do you get to 28?"

16 "You don't need to know that. That's our
17 business. You didn't pay. You owe."

18 It was like the mafia.

19 Q. In that telephone conversation, did
20 Mr. Korogluyan ever suggest to you that there was
21 ever any Amos policy against providing you with a
22 periodic statement?

23 A. No. He just told me that I don't deserve a
24 statement.

25 Q. After this telephone conversation with

1 Mr. Korogluyan, did you receive any written
2 communication from Amos in the days after this
3 telephone conversation?

4 A. After the conversation, he said that they would
5 be mailing me a -- what do they call it -- a
6 reinstatement. And the reinstatement, I would assume,
7 would be more detailed.

8 The reinstatement just had the interest that
9 they claimed that I owed, and the legal fees that they
10 claimed that I owed.

11 Q. Turning your attention to Plaintiff's
12 Exhibit 18, is that a copy of the reinstatement
13 communication that you were just describing?

14 A. Yes. And can I just draw your attention to the
15 fact that the amount owed on this is even more than the
16 amount owed that they claim that I had when they filed
17 for court. So I don't know how this is \$6,000 more than
18 that is. It just makes no sense.

19 Q. When you say "When they filed in court" --

20 A. Wait, hold on. I just looked at this now. I
21 probably should have. Oh, no, wait, \$26,137.

22 So, here, when they filed, which I think was
23 after, \$26,137, and all of a sudden it's now up to
24 \$28,390.

25 Q. Well, I apologize. It's actually higher than

1 that, isn't it? Doesn't it say 29?

2 A. Well, 29, but that's with 741 in legal fees.

3 Q. Mr. Tepper --

4 A. Okay, I'm sorry.

5 Q. -- it's really important that we allow each
6 other to finish.

7 A. I apologize. I've never done this.

8 Q. Now, this April 8th, 2015 E-mail that you
9 received from John Carroll at Amos, does it anywhere
10 indicate that Mr. Carroll is an attorney?

11 A. No, sir.

12 Q. Does it provide you with the principal amount
13 on your loan?

14 A. No, sir.

15 Q. Does it state that your loan was terminated
16 and accelerated?

17 A. No, sir.

18 Q. Does it tell you whether the interest would
19 continue to accrue?

20 A. No, sir.

21 Q. Other than Plaintiff's Exhibits 12 through
22 16, and Plaintiff's Exhibit 18, did you receive any
23 other written communications from Amos regarding your
24 loan?

25 A. No.

1 Q. Have you spent any money defending the
2 Foreclosure action that Amos is prosecuting against
3 you?

4 A. Absolutely.

5 Q. Turning your attention to Plaintiff's
6 Exhibit 34, do you recognize that document?

7 A. Yes, sir.

8 Q. Can you tell me what it is?

9 A. That's a statement. That's a billing statement.

10 Q. Is it from my law firm to you and your wife?

11 A. Yes, it is.

12 Q. Does it reflect the amount of legal fees and
13 costs associated with prosecuting your defense in the
14 Mortgage Foreclosure action that Amos filed against
15 you?

16 A. Yes.

17 Q. Have you paid my firm \$3,638.04 of the amount
18 owed?

19 A. Yes.

20 Q. In total, are you responsible, you and your
21 wife, for paying \$27,285.30 for the defense up to the
22 date of March 21st, 2017?

23 A. Yes.

24 Q. Will you continue to incur attorneys' fees
25 and costs associated with defending that action and

1 through any trial or appeals of that matter?

2 A. Yes.

3 Q. At their normal rates?

4 A. Yes.

5 Q. Now, you've described your telephone call
6 with Mr. Korogluyan.

7 What was your reaction to that telephone call?

8 A. Shock. Shock. I've never been put in a
9 situation where someone is attempting to take my house
10 away over what I think is around \$15,000, and they're
11 giving me this figure and sort of saying, you know,
12 almost with a gun to your head, "Pay this or your house
13 is ours."

14 I believed my house was theirs. I went out
15 after that phone call -- and in the deposition we talked
16 about when I went to the doctor. I actually went to the
17 doctor right after.

18 I forgot that I immediately called my doctor.
19 Immediately, I was put on Ambien CR. I couldn't -- you
20 just feel that feeling, you know, you just can't sleep.

21 I called my brother, who is an attorney, but I
22 kind of look to him for help with what's going on --

23 Q. I don't want you to say anything about your
24 communication with your brother.

25 A. It was just I needed -- I didn't know what to

1 do. I was at a loss. It was mentally, physically,
2 family-wise, taking care of the kids, taking care of the
3 family, taking my kids to baseball games. It became
4 like not fun, a chore. I mean, having this over me,
5 having this over me for two years has been a chore.

6 When I asked for a simple statement, "Show me
7 how you get to that number. I'll pay it. Show me how.
8 If I go to a restaurant and they give me a bill for
9 \$150, it's itemized. Just show me."

10 And the fact that he said, "I'm going to take
11 your house. Your house is mine."

12 My central nervous system just went on tilt.
13 I'm not a stressed guy. I'm not this. I'm not the
14 person that I became.

15 Q. The day that you went to the doctor, were you
16 scheduled for a normal appointment that day?

17 A. No.

18 Q. And you said that the doctor prescribed
19 Ambien CR.

20 Does that "CR" represent Controlled Release?

21 A. Yes, sir. That is just to kind of keep you
22 asleep, because I knew that once I went to sleep I would
23 be up all night if I woke up.

24 He also suggested a few other things that I --

25 MR. HELBING: Objection, hearsay.

1 THE COURT: Yes, moving on counsel.

2 BY MR. JACKO:

3 Q. Now, had you previously been prescribed
4 Ambien prior to that telephone call?

5 A. Yes.

6 Q. Okay. Now, how long did you take Ambien CR
7 as a result of this telephone call?

8 A. A few months. Three, four months.

9 Q. I apologize. I need to have you look at
10 Plaintiff's Exhibit 33, if you don't mind.

11 A. Yes.

12 Q. Is that a copy of the letter to Mr. Helbing
13 that you described that you sent in 2014?

14 A. Yes.

15 Q. Looking at Plaintiff's Exhibit 35, is that a
16 list of the Ambien CR that you took as prescribed by
17 your physician?

18 A. Yes. The CR is on here, yes.

19 Q. And is another name for Ambien CR Zolpidem
20 Tartrate?

21 A. Yes, sir.

22 Q. Over the course of that time, did you take
23 the 240 pills that you were described of Ambien CR?

24 A. Yes, sir.

25 Q. Did that cost you \$282.62?

1 A. No. The insurance covered part of that.

2 Q. Was the total cost of the Ambien CR
3 \$1,017.92?

4 A. Only a few of these were the CR, actually. The
5 others were the normal Ambien. As you can see, I was
6 sort of on both.

7 Q. Do you continue to take the Ambien CR?

8 A. No, sir.

9 Q. Why not?

10 A. I've relaxed enough where I don't need it.

11 Q. Now, during your telephone conversation with
12 Mr. Korogluyan or Mr. Carroll, did you ever discuss
13 any difficulties associated with dealing with your
14 insurance carrier in rebuilding your home?

15 A. Yes, sir.

16 Q. When, by the way, was your home rebuilt in a
17 fashion that you could move back in?

18 A. Last year at this time, we started construction.
19 At the time of the phone call we had been given offers,
20 and we were sort of back and forth with them, but we had
21 the adjuster --

22 Q. I only asked you when you moved back in.

23 A. Oh, okay. I'd say April of last year.

24 Q. Okay. And going back to your telephone
25 conversations with either Mr. Carroll or

1 Mr. Korogluyan, you can specify which of the two, if
2 any, did you discuss at all any difficulties you were
3 having with your homeowners policy?

4 A. Yes, sir.

5 Q. Okay. What was your discussion, and why did
6 you have it?

7 A. I sort of wanted them to understand that I'm
8 going through something, sort of like to humanize this
9 thing and just say, "Hey, I'm dealing with something.
10 Let's just give me a statement. Let's get this over
11 with. I'm dealing with a lot here."

12 As I said, Mr. Carroll said that money is his.
13 Mr. Korogluyan said he didn't really care.

14 Q. Okay. Now, did the process with the
15 insurance carrier ever result in a lawsuit?

16 A. No. There was no lawsuit. When I had mentioned
17 that -- I guess hiring an adjuster is, they see, as
18 suing your insurance company. It's not really a
19 lawsuit.

20 MR. HELBING: Objection as to clarity. Who
21 is "they"?

22 THE COURT: Yes.

23 THE WITNESS: What's that? I'm sorry.

24 THE COURT: Who is "they"? You said "they
25 see" that --

1 THE WITNESS: Insurance companies claim
2 that when you hire an adjuster, that's like suing --
3 it's not a typical lawsuit, but that's what they --
4 that's what Allstate says.

5 So when I spoke to my agent and he said, "Oh,
6 you're suing."

7 I said, "I'm not suing you."

8 He said, "Well, you have an adjuster."

9 Getting back to what you were saying --
10 actually, I'm sorry, can you repeat the question?

11 THE COURT: You hired an adjuster, so that
12 you could --

13 THE WITNESS: Yes, so that we could get
14 everything due to us and get our house built in the way
15 that we wanted it to be built.

16 BY MR. JACKO:

17 Q. In retrospect, how did you feel about the
18 process in dealing with your insurance carrier and
19 the rebuilding of your home?

20 A. Once the adjuster goes in full speed, you sort
21 of just sit back, collect the checks, talk to the
22 builder and end up with a better house.

23 Q. Now, was there any adverse impact on your
24 work life as a result of your telephone conversation
25 with Mr. Korogluyan, April 6th of 2015, and Amos'

1 actions since that time?

2 A. Yes, sir.

3 Q. Can you describe for us what the impact was?

4 A. I was missing reporting to QVC. I was missing
5 the airings. As I said, it sent me into a downward
6 spiral. It affected my work life and my home life. I
7 wasn't following through. I wasn't attending. It was
8 horrible.

9 Q. Do you have business partners that you work
10 with?

11 A. Yes, sir.

12 Q. Did they have to do any of your work for you?

13 A. They had plenty of conversations with me, yes.

14 Q. Well, what kinds of things were you unable to
15 do at work as a result of all of this?

16 A. Well, I wasn't following through on calls and
17 E-mails the way that I should have. The other thing was
18 that I missed a few times when I should have been at
19 work setting up, dealing with the production crew, and I
20 wasn't there, which causes people to have to set up for
21 me, which is not the easiest thing to do. A lot of
22 people don't know how to do it.

23 I was not performing to my normal self.

24 Q. Okay. Do you feel like you're back to
25 performing to your normal self as you sit here today?

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1 A. 95 percent. Well, let me rephrase that. A few
2 weeks ago I was fine. Now, leading up to this case,
3 it's dipped a little bit, but mostly I would say
4 95 percent.

5 Q. And how about your home life, how did that
6 change, if at all?

7 A. I feel horrible for my wife and kids. I mean,
8 you know, when someone is threatening your house and
9 taking it away and you actually believe them and they're
10 not sending you something as simple as a statement, I
11 mean, there were times when I just wasn't there for my
12 kids. I didn't take my son to a baseball game when I
13 should have.

14 I needed a tutor to do homework with my kid,
15 because I was just not there. For better or worse -- I
16 have now understood what it's like to have been bullied,
17 is the way that I'll put it. I felt like, after that
18 phone call, I was bullied.

19 I was made to feel like I was a piece of trash,
20 low, deadbeat, not paying my bills, and that's not
21 really it. You know, it wasn't about paying the bill.
22 It was about giving the correct bill to pay. That's
23 what this is about.

24 So when I'm told that my house is being taken,
25 you know, I'm just in a panic. Whatever happened with

1 the central nervous system, as I call it, it's just a
2 panic. There's a panic that went on, and my wife had to
3 pick up.

4 My kids had to sort of, "Daddy what's wrong?
5 Daddy, what's going on with the house?"

6 You know, those things, it had an effect on me.
7 It had an effect that I never, ever had with anything
8 else.

9 I've had death, you know, and I'm not comparing
10 this to death. But it's an uncontrolled feeling. It's
11 a feeling that someone has something over you, and as
12 much as you just want to take control or just understand
13 the control, you just can't get it.

14 And that just is in me. It's in me now. It's
15 in the neck and everything. I just don't feel like me.
16 You know, going to work -- and my hours are tough. You
17 know, they are 3:00 a.m.'s. They are 3:00 p.m.'s. They
18 are all over the map. It is following up with people.

19 When you are not straight and your head is not
20 on, it's not good.

21 Q. Now, with respect to your regular work hours,
22 am I correct in understanding that the times that you
23 would have to show up at QVC to do your work depends
24 on the air times of the vendors?

25 A. Yes, sir.

1 Q. And does that change from week to week?

2 A. Day to day.

3 Q. Okay. And when you were prescribed regular
4 Ambien, was that to address any issues with the
5 regular schedule that you had?

6 A. Yes.

7 Q. Did you experience any reduction in your
8 income as a result of the anxiety and sleep issues
9 that you experienced?

10 A. Yes.

11 Q. Do you attribute any of the -- strike that.

12 Please take a look at Plaintiff's Exhibit 29.
13 You'll see it's a 2016 1099 Miscellaneous Form for a
14 company called Gold Standing Marketing LLC.

15 Can you tell us what Gold Standard Marketing
16 LLC is?

17 A. Yes, sir. So I have two other partners, and we
18 split businesses. So I have my own company, which is
19 222. My partner, Scott, has Cranston Inc., and my
20 partner Neil has Neil Plotkin Services.

21 We're each entities, and there are two main
22 companies that make up the pool. So whatever comes in
23 to the company gets divided three ways.

24 So Gold Standard is what I run. Champion
25 Marketing is what the two of them run. There's a few

1 other lines, and we did that for the reason that at the
2 time there were a few other things in Champion that I
3 wasn't a part of, so they didn't want to interfere with
4 their core.

5 Sorry. So everything in Gold Standard is what
6 I run. That's directly on me.

7 Q. So does this document reflect your income in
8 2016 as \$158,850?

9 A. Yes, sir.

10 Q. And if you would turn the page and look at
11 Plaintiff's Exhibit 30, does that reflect your income
12 in 2015 of \$291,300?

13 A. Yes, sir.

14 Q. Now, do you attribute the difference in those
15 two numbers as your lost income as a result of your
16 speaking with Mr. Korogluyan and your experience in
17 dealing with Amos in 2015?

18 A. I do.

19 Q. And is the difference of those two numbers
20 \$132,450?

21 A. Yes.

22 Q. And is that the amount of lost income you
23 attribute to that experience?

24 A. Financially, yes.

25 MR. JACKO: Your Honor, if I could have a

1 minute?

2 THE COURT: A brief minute. This is a slow
3 process, these questions.

4 MR. JACKO: I'm getting ready to wrap up.

5 THE COURT: You should be wrapped up.

6 MR. JACKO: Yes.

7 THE COURT: I'm going to take a 15-minute
8 break now, and you can conclude it, then we'll go on
9 with cross-examination.

10 MR. HELBING: Thank you, Your Honor.

11 MR. JACKO: Thank you, Your Honor.

12 THE COURT: We'll be in recess for 15
13 minutes.

14 (Recess was held at 11:30 a.m.)

15 (The Court resumed the proceedings at
16 11:45 a.m.)

17 THE COURT: Are you ready to resume?

18 MR. JACKO: Yes, Your Honor.

19 THE COURT: Sir, resume the witness stand,
20 please.

21 THE WITNESS: Thank you.

22 THE COURT: Let's get moving.

23 BY MR. JACKO:

24 Q. Mr Tepper, would you take a look at
25 Plaintiff's Exhibit 31, and can you tell me if that's

1 a copy of the docket in the Mortgage Foreclosure
2 action that Amos filed against you as of March 7th,
3 2017?

4 A. Yes, sir.

5 Q. Okay. That reflects all the litigation
6 activity in that matter through that date, correct?

7 A. Yes, it does.

8 Q. If you could take a look at Plaintiff's
9 Exhibit 36, is that a copy of the Complaint filed on
10 yours and your wife's behalf in this matter?

11 A. Yes, sir.

12 Q. Looking at Plaintiff's Exhibit 37 -- strike
13 that.

14 Going back to Plaintiff's Exhibit 1 and the
15 Credit Agreement, do you know if the Credit Agreement
16 states anywhere that the periodic monthly statements
17 that the lender was to prepare were to be the best
18 evidence of what was owed under the loan?

19 A. Yes, I believe it's in there.

20 Q. Is that language contained on Page 4 in the
21 paragraph that starts with "Interpretation" at the
22 bottom of the page?

23 A. Yes, I see that.

24 Q. Could you read just that paragraph into the
25 record, please?

1 A. "Interpretation. You agree that this agreement
2 together with the mortgage is the best evidence of your
3 agreement with us. If we go to court for any reason, we
4 can use a copy, filmed or electronic or any periodic
5 statement, this agreement, the mortgage, or any other
6 document to prove what you owe or that a transaction has
7 taken place. The copy, microfilm, microfiche or optical
8 image will have the same validity as the original. You
9 agree except to the extent you can show that there is a
10 billing error, your most current periodic statement is
11 the best evidence of your obligation to pay."

12 MR. JACKO: Thank you very much.

13 THE WITNESS: Thank you.

14 THE COURT: Cross-examination.

15 CROSS-EXAMINATION

16 BY MR. HELBING:

17 Q. Mr. Tepper, I want to ask you to look at -- I
18 want to try to use the same exhibit numbers that the
19 plaintiff has used.

20 A. Okay, thank you.

21 Q. Look at Exhibit 1 in your binder.

22 A. Okay.

23 Q. I want you to look over on the top of Page 3,
24 okay? It's the periodic rate.

25 A. Yes.

Gregg B. Wolfe, RPR, CM
215-460-1511

1 Q. Do you acknowledge that the periodic rate
2 provides for a floor interest rate?

3 A. Okay.

4 Q. And what's the floor rate?

5 A. Where am I looking?

6 Q. This periodic rate, that paragraph, third
7 line down, "In no event."

8 A. I'm sorry, what paragraph?

9 Q. The first paragraph, Page 3.

10 A. The periodic rate?

11 Q. Yes, the third line down. That "In no
12 event" sentence.

13 A. "In no event will corresponding annual
14 percentage rate be less than 5.9 or more than least
15 of 18 percent."

16 Q. 5.49, correct?

17 A. 5.49, okay.

18 Q. Okay. Are you aware of the mortgage interest
19 rates? You're aware they are historically low,
20 aren't you? Correct?

21 A. Yes.

22 Q. And you are aware that they have been below
23 5.49 for the entirety of your loan, correct?

24 A. Okay, sure.

25 Q. And your interest rate never would have

1 varied on the floor rate of below the 5.49 percent,
2 correct?

3 MR. JACKO: Objection, Your Honor.

4 THE COURT: What's your basis for
5 objection?

6 MR. JACKO: The statement that was provided
7 as Exhibit 8 --

8 THE WITNESS: Yes, Exhibit 8 states it's
9 4.49.

10 MR. JACKO: That's correct, Your Honor.

11 THE WITNESS: Sorry, Your Honor.

12 THE COURT: When your attorney is
13 addressing the Court --

14 THE WITNESS: I apologize.

15 THE COURT: -- you're not to open your
16 mouth, sir. All right?

17 You wait until someone asks you a question.
18 Counsel is addressing the Court.

19 What's your basis of objection?

20 MR. JACKO: The statement, that is
21 Plaintiff's Exhibit 8, manifests the fact that NOVA Bank
22 was identifying a rate less than that. NOVA Bank was
23 giving a rate less than that at times.

24 THE COURT: If that's the form of your
25 objection, it's overruled.

1 He asked specifically about the document. He
2 didn't ask what NOVA did. He asked what your client
3 agreed to pursuant to this agreement.

4 And the agreement said that the minimum was
5 5-point something. You'll have a right to redirect your
6 client.

7 MR. JACKO: Thank you, Your Honor.

8 THE COURT: And your answer to counsel for
9 the defendant, Amos', question was what, sir?

10 Does it say that there?

11 THE WITNESS: Yes, it does.

12 THE COURT: All right. Next question.

13 MR. HELBING: Thank you, Your Honor.

14 BY MR. HELBING:

15 Q. Also, you made a big deal during your direct
16 testimony of not getting periodic statements from
17 Amos Financial for a period of several years,
18 correct?

19 A. Yes, sir.

20 Q. But Amos Financial acquired ownership in
21 April of 2013, correct?

22 A. Yes.

23 Q. In April of 2013, you admitted that you
24 didn't call him? You never requested a statement
25 from him, correct?

1 A. By phone, no.

2 Q. But anyway, in the first month that they had
3 the note?

4 A. Not until my letter to you.

5 Q. Okay. So you admit, then, for the period of
6 about a year and a half, 16 months, that even knowing
7 you had an obligation you took no steps to ascertain
8 what the amount due was?

9 A. Yes.

10 Q. You also stated that you mailed an amount to
11 the FDIC of \$550?

12 A. Yes.

13 Q. But you never made that attempt to do it with
14 Amos Financial, correct?

15 A. No, I did not.

16 Q. Why not?

17 A. Because I really was expecting them to take over
18 my loan in such a way that I would get a check, get a
19 statement. It had just seemed very weird.

20 Q. I think you used the word "fraudulent" or a
21 "fraud"?

22 A. Yes.

23 Q. Okay. Now, you acknowledged receipt of a
24 letter from the FDIC dated March 28th, 2013 is
25 Plaintiff's Exhibit Number 12, correct?

1 A. Yes.

2 Q. In there on the FDIC it clearly states who
3 the new owner of the note is, does it not?

4 A. Yes.

5 Q. Then why did you think it was a fraud when
6 Amos reached out to you to collect the money?

7 A. I was expecting a statement.

8 Q. When Amos Financial acquired the loan, you
9 already were in default on your obligations, correct?

10 A. Yes.

11 Q. The FDIC actually declared you to be in
12 default, correct?

13 A. Yes.

14 MR. JACKO: Objection. I mean, he's asking
15 for legal conclusions, somebody who is a mere fact
16 witness.

17 THE COURT: Overruled. He's the part of
18 the agreement that he entered. He's asking him what he
19 understands. He says he was in default. He didn't make
20 payments. That's his understanding at the time that he
21 was supposed to be making these payments.

22 Next question. Your objection is noted. It's
23 overruled.

24 MR. HELBING: Thank you.

25

1 BY MR. HELBING:

2 Q. If you were in default, as declared by the
3 FDIC, why would you expect to receive monthly
4 statements still?

5 A. Why wouldn't I? When someone has a loan of
6 yours, you receive monthly statements. I was also
7 forced into default by the lack of statements that I was
8 given.

9 I was not told what -- what if I would -- the
10 way I looked at it, let's say I made the check for
11 \$1,000. Well, wouldn't my monthly finance fee be lower?
12 If no one is mailing me statements, and they are mailing
13 me a few monthly letters every month.

14 If they would have even done it on a monthly
15 basis, I would have said, "Okay, let's see what this is
16 about."

17 There was nothing uniform about this. There
18 were letters from people without signatures. There are
19 things saying that I owe between this and this. It just
20 didn't make sense.

21 But when I did look into this, when this all
22 did come to a head, the response I got was horrible.
23 Would that response have happened if I would have called
24 them immediately? I would assume so.

25 Q. But the fact of the matter is that you didn't

1 request the statements.

2 A. Until I requested it in November of 2014?

3 Q. Yes.

4 A. Yes. So I did request statements.

5 Q. A year and a half after the fact.

6 A. But you just said I didn't request statements.
7 I'm saying I did request statements.

8 Q. Fair point. You also testified that you were
9 expecting to get checks from Amos Financial?

10 A. I expected to get checks from the servicing
11 provider, so whoever is going to service the loan. So
12 it says "Notice of Assignment Sale or Transfer of
13 Servicing Rights." So, yes, I did expect to get checks.

14 Q. Okay. I'm going to ask you to look at
15 Plaintiff's 11. That's the January 16th, 2013 letter
16 from the FDIC?

17 A. Yes.

18 Q. That's where, if you look at the very last
19 paragraph on the first page, does that letter state
20 that they no longer obligate to make further advances
21 on your behalf?

22 THE COURT: Slow down, counsel.

23 BY MR. HELBING:

24 Q. Does it state that the receiver, or whoever
25 acquires the receiver presumably, is no longer

1 obligated to make any further advancement of funds
2 under the loan commitment because of your default?

3 A. Yes.

4 Q. Then why were you waiting for checks?

5 A. Like any bank that would buy this, usually when
6 you go to a local bank or any bank, you could talk to
7 them and say, "Hey, Jimmy Tepper, how are you doing?
8 This is my loan. I would like to come full circle on
9 this and full service."

10 That's the way that I do things. I didn't
11 realize that a debt collector bought this. I was under
12 the impression that this was a bank.

13 Q. I understand your point. But just to circle
14 back, if that's how you do business -- and that's
15 fine, the first thing you should have done was call
16 Amos Financial and ask, "How much do I owe? What's
17 the payment?"

18 A. When I did call Amos Financial, I was --

19 Q. A year and a half later.

20 A. Okay. But when I did, I was told that my house
21 was theirs. I didn't deserve a statement. So would I
22 have deserved a statement had I called them immediately,
23 or would we have just been doing this a year and a half
24 prior?

25 MR. HELBING: Objection, conjecture.

1 THE COURT: Yes, ask another question,
2 counsel.

3 Let me ask you a couple of questions, just out
4 of, I guess, morbid curiosity.

5 You're a business person.

6 THE WITNESS: Yes, sir.

7 THE COURT: The agreements that you entered
8 into with your partners -- they're partners or corporate
9 entities? Are they a corporate entity or a partnership
10 that you have?

11 THE WITNESS: With my partners?

12 THE COURT: Yes.

13 THE WITNESS: Okay. Well, they're our
14 pass-through companies.

15 THE COURT: Go ahead, explain it.

16 THE WITNESS: So we have two entities.
17 There is Gold Standard and Champion.

18 THE COURT: What is the form of the
19 business? Is it a partnership or a corporate --

20 THE WITNESS: No, LLC.

21 THE COURT: Okay. All right.

22 THE WITNESS: Yes.

23 THE COURT: So you entered into these
24 arrangements with a written agreement?

25 THE WITNESS: Yes.

Gregg B. Wolfe, RPR, CM
215-460-1511

1 THE COURT: Did you do those agreements
2 yourself?

3 THE WITNESS: No.

4 THE COURT: You had a lawyer look at them?

5 THE WITNESS: Yes.

6 THE COURT: And when you represent these
7 clients for QVC, there are documents that need to be
8 signed and addressed.

9 Do you use lawyers for those?

10 THE WITNESS: Yes, we have a contract.

11 THE COURT: Right. Approximately, how many
12 different agreements have you read and studied and
13 participated in, in your short life on this earth?

14 THE WITNESS: Not very many. We have a
15 blanket form --

16 THE COURT: Approximately, give me a
17 number.

18 THE WITNESS: Six.

19 THE COURT: Six agreements in your whole
20 life.

21 THE WITNESS: Probably, yes.

22 THE COURT: How many times have you used a
23 lawyer?

24 THE WITNESS: Personally? One.

25 THE COURT: One lawyer that you've ever

1 used in your life to represent you for anything?

2 THE WITNESS: Yes, my partners have a
3 lawyer.

4 THE COURT: So you've handled your
5 mortgages and everything else that you've entered into
6 with a bank?

7 THE WITNESS: Yes.

8 THE COURT: Okay. You feel comfortable in
9 handling your affairs?

10 THE WITNESS: Then, yes.

11 THE COURT: Yes.

12 THE WITNESS: Yes, sir.

13 THE COURT: I mean, up to this point in
14 time, the only time that you felt the need to get a
15 lawyer to represent you was one time?

16 THE WITNESS: One time.

17 THE COURT: Okay. Now, when did you
18 contact a lawyer to represent you once that telephone
19 call took place?

20 THE WITNESS: I called my brother, and
21 asked him who to contact. My brother is a lawyer who
22 knew Alan, who was the head of the firm. So I'm going
23 to say that I called my brother on the 6th. I think I
24 got in touch with Alan within the week. We had
25 breakfast.

1 THE COURT: And you hired them forthwith?

2 THE WITNESS: I hired them to just call and
3 see why they were telling me --

4 THE COURT: I don't need the --

5 THE WITNESS: Okay, yes.

6 THE COURT: -- attorney-client --

7 THE WITNESS: Yes, sir.

8 THE COURT: -- discussions for me.

9 THE WITNESS: Okay, sorry.

10 THE COURT: You retained them?

11 THE WITNESS: I retained them, yes.

12 THE COURT: Very well.

13 You may continue with your examination.

14 MR. HELBING: Thank you, Your Honor.

15 BY MR. HELBING:

16 Q. We're going to shift gears now to a little
17 bit of your loss of earnings capacity.

18 You went on Ambien CR right after the phone
19 call in April, correct?

20 A. Yes, sir.

21 Q. And you were off that when?

22 A. I think I would July of -- no. I would say
23 August.

24 Q. August of '15?

25 A. Yes.

1 Q. In August of 2015, when you went off the
2 Ambien CR --

3 A. Roughly, August.

4 Q. -- August, September, that time frame --

5 A. Yes.

6 Q. -- were you 95 percent then?

7 A. No.

8 Q. Where were you at?

9 A. Then it was like 50 percent.

10 Q. How long did it take you to get up to
11 75 percent?

12 A. I would say probably in January of the next
13 year, because in the fourth quarter is the real busy
14 time. That's like the time that you're working 24
15 hours.

16 Q. Okay.

17 A. And just with everything looming over me because
18 we were still going at it trying to make some sort of
19 settlement between us, so there were still phone calls.
20 Bills were coming in. So I would say 75 percent
21 probably hit me at the new year, the beginning of the
22 new year.

23 Q. So what, 2016?

24 A. Yes, sir.

25 Q. And from there you went very quickly up to

1 95 percent?

2 A. I wouldn't say very quickly.

3 Q. Passively?

4 A. There were still dips. No, no, I wouldn't say
5 that. I would stick with about 75 percent through the
6 beginning of the year. It took awhile. It took a
7 really long time. I still feel it.

8 I mean, if you want the honest truth, under
9 oath, I still have sleepless nights. This still keeps
10 me up. When I wake up in the morning, if I see an
11 E-mail from a lawyer, it's like a panic.

12 You know, no one wants to be in this situation.
13 Nobody wants to be up here, especially me. You know,
14 this -- you win. You guys won. You destroyed a piece
15 of my life. You took away a lot of my family time. You
16 took away my work time.

17 MR. HELBING: Objection, Your Honor. He's
18 pejorative.

19 THE COURT: It's not responsive to the
20 question.

21 Very well. next question.

22 MR. HELBING: Thank you.

23 BY MR. HELBING:

24 Q. I'm going to have you look now at Plaintiff's
25 Exhibit 29. Actually, let's do 30 first. Let's do

1 the 2015 one first.

2 A. Okay.

3 Q. That's your 2015 1099 Misc, correct?

4 A. Yes.

5 Q. Is that your only 1099 that you received in
6 2015?

7 A. No.

8 Q. Which other ones did you receive?

9 A. Champion Marketing.

10 Q. Is this 1099 Misc the basis for your economic
11 claim, your loss of wages?

12 A. Yes, this is what my company handles.

13 Q. Okay, got it.

14 If you look at Box Number 7, it says
15 "Non-employee Compensation." I think it says
16 "291,300"?

17 A. Yes.

18 Q. Okay. Now, that is before expenses come out,
19 correct?

20 A. Yes.

21 Q. So what was your net income when you filed
22 your return with the IRS that year?

23 A. I don't know, because there were other
24 businesses. But I don't have a lot of expenses. It's a
25 business that has very little expenses. I write off my

1 gas. That's about it. I don't have to travel. I don't
2 have to do very much of anything.

3 In fact, it's like a plus and a minus.
4 Expenses in my business are next to nothing. I
5 basically go. I can work from home. I show up to QVC.
6 Vendors take me out. It's very rare that I have to take
7 someone out. When a vendor sees me, they want to get on
8 QVC so I get the meal.

9 When they travel, they pay for me to travel.
10 My gas is about it. So it's a business that is very low
11 on the expenses.

12 Q. That would hold true in 2016 also then?

13 A. Absolutely.

14 Q. Okay. Now, I'm going to have you just flip
15 real quickly to Exhibit 29. Then we're going to look
16 there, and we're going to see the same box.

17 What's your income that year?

18 A. 158,850.

19 Q. I'm sorry, not your income. What was your
20 reported compensation?

21 A. Box Number 7? \$158,850.

22 Q. Okay. Now, it seems to me that the worst of
23 your depression was in 2015.

24 A. Yes.

25 Q. And by the beginning of 2016 you improved

1 substantially? 25 percent by your estimation?

2 A. Yes, it was probably right around there.

3 Q. Now, I'm going to ask, because I can't figure
4 it out.

5 Why is the drop in income not in 2015 as
6 opposed to 2016?

7 A. Very simple. Because all of the purchase orders
8 are written months in advance. My purchase orders for
9 this year are done. We're done. There's no other
10 purchase order for Christmastime, for fourth quarter,
11 being written that late.

12 What I do this year affects the next year. So
13 the way that it works is that if 2016 is down, it means
14 that 2015 is when I didn't perform.

15 Right now, I'm working on 2018. I had a
16 meeting yesterday. We're talking about the first
17 quarter of next year.

18 I mean, people can't make the goods. QVC
19 doesn't have the ability to buy anything now for the
20 year. I showed a product just yesterday, and they said
21 "This is great. This is fantastic. I want this
22 product. I wish we could buy it this year. How about
23 next June?"

24 That's honestly how things happen. Their
25 airtime is filled. The factories are going full tilt.

1 If you want a PO right now, either it can't be made or
2 they can't fit it into their warehouse. So that's how
3 this business works. It's very different than any other
4 business you've ever seen, but the business model
5 basically works a full year ahead.

6 Q. And do you earn commission; is that how that
7 works?

8 A. Yes.

9 Q. Okay. Now, if a product airs, say,
10 December 2015, when would your compensation be
11 reflected?

12 A. All depends what the terms are on. I could be
13 paid a few days later. If their terms are net 45, and
14 the goods hit the warehouse in June, I'll be paid that
15 next day, if I want.

16 You know, so it's different. Some vendors have
17 different payment terms. But mostly you are paid right
18 away. When something goes on air and it sells, you are
19 paid very quickly.

20 Q. So then let's go back for a second.

21 You missed ten airings, correct?

22 A. Yes, at least.

23 Q. Those were airings in 2015?

24 A. Yes.

25 Q. So those earnings, the money you would have

1 made off those earnings you reflect in your 2015 tax
2 1099?

3 A. You're not really getting the point of the
4 business.

5 Q. Okay.

6 A. The point of the business is if your airings
7 don't do well, you don't get a reorder. So what happens
8 is if your airings don't do well, they're saying to you,
9 "We're not reordering this for next year. You're done."
10 And then you have to start a whole new arsenal.

11 It's a lot of keeping up on your products.
12 It's a very difficult business if you don't know it, and
13 it's tough to explain to people. If there is an airing
14 tomorrow and it doesn't hit their goal, well, if I'm
15 there and I see it and I know why and I can see what
16 happened in that show, then I can tell you, "Well, hey,
17 we were the best in the show," or "This is what happened
18 to the host," or "This is what the camera angles didn't
19 do."

20 I can give that information to the buying
21 office to sort of smooth things over in order to get
22 more airtime, more purchase orders, more money.

23 If I'm not there and something goes wrong --
24 because things aren't set -- if I set this up, it's
25 going to be completely different than how other people

1 set it up. I need to talk to the coordinating
2 producers, to the line producers, to the associate
3 producers.

4 I have to talk to people who are going to be in
5 charge of the camera, what angle to get, what to do,
6 when to do it. It's how to set it up.

7 Every airing means something, and usually it is
8 for the next year. I have a line of mirrors that I put
9 on. Whatever we do next week isn't for this year. It's
10 for next year.

11 Q. Okay. That would be all speculation going
12 forward, correct, the numbers that you would have?

13 A. Well, that's how QVC works. You go into the
14 buying office. You see how you did in one area, and
15 they speculate what to do --

16 Q. I understand how QVC works. I'm just saying
17 here today we're trying to establish what your actual
18 damages are. To say what you would do a year from
19 now would be pure speculation.

20 A. Not necessarily. Let me tell you about these
21 numbers. If you do 291, chances are you're on fire.
22 That number should have doubled. No one does that much
23 money with the lines that I had without at least doing
24 ten percent more a year.

25 Everyone wants to anniversary whatever line you

1 give them. So if I give them a line and they see what
2 I'm doing, they want to anniversary that to ten percent
3 at least, if not more.

4 To go from 291 to 158 is almost unheard of.
5 Things don't work in that direction.

6 Q. Okay.

7 A. Things work in the other direction. Or if I can
8 sit there and say, "We went from 291 to 250," you don't
9 go from what we did. You don't get the kind of phone
10 calls that I got from my vendors. "Where were you? Why
11 aren't we doing this? What is going on?"

12 Q. Okay. You're not being responsive.

13 Okay. But you missed the ten shows, you missed
14 the ten airings, but you did say the airings did go on,
15 correct?

16 A. Yes.

17 Q. Who was there to set it up?

18 A. Well, if I'm not there and I don't set up,
19 someone has to set up.

20 Q. Yeah, so it would be set up by somebody else,
21 and they would go on the air? It wouldn't be pulled
22 off the air because you're not there?

23 A. No, but what you're not understanding --

24 Q. Okay, thank you.

25 A. -- there's a way to set things up.

1 If the guest has to set it up, well, they are
2 already doing something. They are already busy doing
3 something else. If they have to come and set it up
4 themselves, they -- they don't do that. There's a
5 reason I'm there is my point.

6 Q. Oh, no, I understand the reason that you're
7 there.

8 A. There's a big reason that I'm there.

9 Q. But you can't tell us how many of those
10 products sold in your absence?

11 A. What I can tell you is that I did not
12 follow-through on several of these lines. This is a
13 fact. I'm telling you this as a fact. I'm telling you
14 this from what my vendor said and from what QVC said.
15 This is fact. You can question me, but this is fact.

16 Q. No, but you have to acknowledge product was
17 sold in your absence?

18 A. Product is always going to be sold. It's just
19 product, how much is sold and how do I follow-up.

20 Q. Well, you can't tell us what product was
21 sold, or how much product was sold?

22 A. \$132,000 is -- you don't do those numbers and go
23 down without some sort of issue going on.

24 Q. Okay. If I were to ask you the first airing
25 that you missed, whatever date that was --

1 A. Uh-huh.

2 Q. -- what was the product that you missed? You
3 couldn't tell me, correct?

4 A. The first one I missed was a product called
5 Perfect Formula. It's a nail strengthener. I missed
6 it. There was model coordination. They didn't know. I
7 actually got a text from the model, "Where the hell were
8 you?"

9 It didn't do the numbers, but it was fine. I
10 smoothed it over. But, yeah, every airing that I'm not
11 there -- it's not just the airing, it's the
12 follow-through. If I'm not there, it's not about what
13 sells. It's about my follow-through. I need to report
14 on every airing how we did, how the other products did,
15 who the host was, when we went on, when did they get to
16 the models, when did the product shot air?

17 There's so much analytics. I'm there looking
18 at a screen that's showing me real time data on how
19 things do. So I know for myself when you show the model
20 and you show a before and after, there's a screen
21 telling me -- the call volume goes up.

22 So when I see that call volume go up, I write
23 it down in my notes. I go to the guest after the show
24 and say, "Hey, next time you need to do this more. When
25 you did X, Y and Z, that call volume spiked. We were in

1 cue. We did \$12,000 a minute because of that. Do that
2 next time."

3 So, yeah, when I'm not there -- I'm not just a
4 body in a room. Then I take those results, and I report
5 them to several people. I report them to the buying
6 office. I report them to the production crew. I report
7 them to my vendor. I report them to my guest. I report
8 them to my partners.

9 Q. So going back -- you missed ten showings?

10 A. Yes.

11 Q. And I believe you said in the deposition that
12 you averaged three showings per week?

13 A. Yes, somewhere around there.

14 Q. Okay. So that means in any given year how
15 many weeks -- how many weeks do you work a year, 50?

16 A. Yes, probably 50. We never really take
17 vacation, so like 50, yeah.

18 Q. Okay. So you have 150 showings?

19 A. More than that. I cover around three. But in
20 general, with all the partnership, we have a lot more
21 than that.

22 Q. Is that reflected on your Gold Standard Misc?

23 A. No. I would say about 100 showings for me.

24 Q. About 100 showings for you.

25 But the ones that the partners do, cover for

1 you, or whatever, is that income reflected on your 1099
2 Misc?

3 A. No, well, they didn't cover for these particular
4 airings.

5 Q. No, I understand that, but the ones that I
6 do.

7 A. They don't really cover -- I more covered for
8 them than they covered for me.

9 Q. Okay.

10 A. And that's just that my vendors seem to like me
11 more for whatever reason.

12 Q. So you're responsible, I think you said, for
13 100 airings a year?

14 A. Yes, more than that, a few more than that.

15 Q. Okay.

16 A. I mean, sometimes you get one item that has
17 three airings in one day. Sometimes you get an item
18 with 8 airings in one day.

19 Q. So average, we're saying, is about 100?

20 A. Well, over 100.

21 Q. Okay. Say 100. 150?

22 A. 150.

23 Q. Fair enough. What I did is I looked at --
24 and this simple person with simple math, your 1099
25 for 2015, the \$291,300, I did that and I said 150

1 airings, and I divided that number by 150.

2 A. Right.

3 Q. For the average --

4 A. Well, what you're missing is off-air sales.

5 QVC --

6 Q. Well, that's not reflected on your 1099?

7 A. Yes, but you are trying to go by airing, which
8 is not right. If you do it by airing, that's fine, but
9 you're also selling off air. You're also selling -- if
10 I go to QVC and buy products, I have products that do
11 hundreds of thousands of dollars off air.

12 I have a product that goes on air and does
13 \$2 million -- there's a product that did \$2 million in
14 one day, and -- I'm sorry, \$2 million in a day. One and
15 a half million was auto delivery, times that by every
16 six months. So I get what you're doing, but you're not
17 understanding how QVC works. So I get it, but there's
18 auto delivery that you're not factoring in.

19 Q. So my question, then, to you would be, if
20 anything, then, it should be more favorable to you,
21 the auto delivery, that I'm not considering the auto
22 delivery,

23 A. Right. Well, it should be more favorable in
24 2016, and it wasn't. Hence, where 2015 comes into play.

25 Q. Okay. Like I said, I did the simple math

1 based on that, and I came to about \$1,942 per airing
2 missed.

3 A. But you're saying missed airing. What I'm
4 telling you is that those are reorders. Those are times
5 that I need to get that back in stock. If you want to
6 go by airing -- I don't get paid by the airing. I don't
7 get paid by the airing.

8 I get paid by sales. My sales are what makes
9 me money. It doesn't matter. Some of those airings --
10 you want to talk about airings. If you are on in an
11 airing at 10 o'clock on a Saturday and you don't do
12 \$300,000 in sales, you're out.

13 That's the way QVC works. If you're going to
14 lump airing in, that's not the way to do it. It's a
15 weird business model. It's a weird company, and it
16 would take us days of going to the network and looking
17 at the screens for me to explain it.

18 MR. HELBING: Your Honor, I have my
19 Exhibit binders. Might I approach?

20 THE COURT: Yes.

21 MR. HELBING: Thank you.

22 BY MR. HELBING:

23 Q. First I'm going to, Mr. Tepper, you gave a
24 deposition in this matter June 1st, 2016, correct?

25 A. Yes.

1 Q. During the deposition, I asked a question as
2 to whether or not you suffered any other pecuniary
3 losses besides the missed earnings; do you remember
4 that?

5 A. Not really.

6 Q. I'm going to ask you to turn to Exhibit
7 Number 9 in the binder I just gave you.

8 A. Okay.

9 Q. Once you're there, I'm going to ask you to go
10 to Page 28. Let me know when you're there.

11 A. Okay.

12 Q. At the bottom, look at Line 18.

13 A. Yes.

14 Q. Can you read that?

15 A. "Besides the jobs we just talked about being
16 lost because of stress, have you ever suffered any other
17 loss?"

18 Q. Mr. Fellheimer asked a question.

19 "Q Financially?"

20 And I agreed, "Financially."

21 Mr Fellheimer said, Pecuniary?

22 And I said, "Yes."

23 And the witness said --

24 A. "No."

25 THE COURT: Next question.

1 BY MR. HELBING:

2 Q. Are you changing that answer today?

3 A. Emotionally, I've suffered damages. If you
4 can't see that, then, I mean, this is even worse than I
5 even thought before today. If you don't think being
6 told this is going to interfere with my family life,
7 interfere --

8 MR. HELBING: Objection, not responsive.

9 THE COURT: Yes.

10 BY MR. HELBING:

11 Q. The question was, are you changing the answer
12 that you suffered additional financial losses than
13 what you testified to in your deposition?

14 A. Additional financial losses?

15 Q. Yes.

16 A. Yes.

17 Q. And why are you changing your testimony?

18 A. I'm thinking about it now, and there was
19 definitely child care that I needed to provide when I
20 wasn't around.

21 Q. Okay. Besides the child care, did you suffer
22 any other financial losses relative to your income?

23 A. No, not that I can think of.

24 Q. We've already established that you had a fire
25 at your residence in January of 2015, correct?

1 A. Yes.

2 Q. And I believed you testified that you lost
3 all your paper records?

4 A. Yes.

5 Q. That includes your business records?

6 A. Yes.

7 Q. Did losing those records put you behind, to
8 back up a little bit, and not be as responsive or
9 ready to go?

10 A. No. I keep everything on E-mail. Everything
11 has a file. So when I lost that -- I don't keep much
12 paper. I don't print much stuff out. So as far as
13 business records go, everything that I have is on my
14 Gmail. I just link it up to everyone's address. So I
15 have everything I need.

16 Q. And the fire happened early in the morning,
17 correct?

18 A. Yes.

19 Q. Six o'clock in the morning?

20 A. Roughly.

21 Q. And you were asleep?

22 A. No.

23 Q. No?

24 A. No. We were just waking up, there was some
25 smoke and we got the kids and got out.

1 Q. Okay. You testified that you have a general
2 studies degree?

3 A. Yes.

4 Q. So you're not a chemist?

5 A. No.

6 Q. You're not a pharmacist?

7 A. No.

8 Q. Or a doctor?

9 A. Again, no.

10 Q. So you can't tell me definitively whether or
11 not there's a medical difference, a pharmacological
12 difference between Ambien and CR, could you?

13 A. I can tell you when I take it, there's a big
14 difference.

15 Q. The question wasn't how you feel. It wasn't
16 a placebo effect.

17 The question was whether or not you could tell
18 me definitively what the difference is?

19 A. Other than what I've read, no.

20 Q. You testified previously that you were taking
21 both Ambien and Ambien CR at the same time? Did I
22 understand correctly?

23 A. I had the prescription at the same time. I
24 wasn't necessarily taking them both at the same time.

25 There were times when I would take half of an Ambien and

1 follow it up with a CR, which isn't good, but, yes, I
2 would do it every now and then.

3 Q. You had prescriptions filled for both of
4 them.

5 Can you tell me how you felt, or how you
6 determined which one you took that day?

7 A. If I was trying to go to bed and I needed an
8 Ambien and a drink, I would do that. If I was up
9 tossing and turning thinking about this, and it was
10 weighing heavily on my mind, I would go to the CR, just
11 to put myself to sleep. Not good times.

12 Q. You also mentioned in your deposition that
13 you were self-medicating with alcohol?

14 A. Yes.

15 Q. And to what extent?

16 A. Pretty bad.

17 Q. A beer a day?

18 A. Oh, no, we're talking there was a bottle of
19 whiskey in the cabinet. If I needed it to put myself to
20 bed, I would go for it. It was more of like I could
21 not sleep nights. I lost my ability because of this to
22 be able to just put myself in a bed and go to sleep with
23 my wife the way that I do, the way that I did for
24 40-some years before this, and the way that I can sort
25 of do now.

1 But, yes, it was embarrassingly bad.

2 Q. What was your doctor's medical advice
3 concerning the mixture of Ambien and Ambien CR?

4 A. He didn't like it. He wanted to put me on a
5 relaxer. I really didn't want to go that route. He
6 gave me his cellphone number and told me if I ever
7 needed it to call him.

8 Q. Okay.

9 A. I told him that, you know, let me just try to
10 get through this, and, you know, take it from there.

11 Q. I'm going to ask you to look at Exhibit 35 in
12 the plaintiff's binder, the big one.

13 A. Okay.

14 Q. This is a patient history from Rite Aid?

15 A. Yes.

16 Q. It was printed, it looks like, on March 23rd
17 of this year?

18 A. Yes.

19 Q. Does this show -- it says "Page 2 of 4" up
20 top, correct?

21 A. Yes.

22 Q. What was on the other pages?

23 A. Other Ambiens.

24 Q. Ambiens?

25 A. Yes.

1 Q. How often prior to your telephone call with
2 Mr. Korogluyan would you take Ambien?

3 A. As needed. It was basically with the schedule.
4 I would only take it if I needed to get to bed, let's
5 just say, at 3:00 in the afternoon, because there are
6 times when I need to be at QVC at midnight.

7 So if I take an Ambien at 3:00, sleep until
8 10:30, wake up and go to QVC, those were the only times.
9 It wasn't because "I can't sleep, I can't sleep, I can't
10 sleep."

11 Q. If the other reports are here, how often
12 would they show being refilled?

13 A. Not very often. These reports are from --

14 Q. Did you want to look at 2014?

15 1-1-2014, top center?

16 A. Yes, 2014. So there was other stuff on the
17 page. It didn't go right into the scripts. There was
18 stuff written on the page, and then it went into the
19 scripts. So there weren't very many from that time. I
20 was getting it filled every, I would say, 70 days.

21 Q. So every two months?

22 A. Yes.

23 Q. How many pills were in a bottle?

24 A. Thirty.

25 Q. How many pills do you take at one time?

1 A. If I needed to get to bed, I would take a full
2 pill. If it's like 12:00 in the afternoon and I have to
3 be at QVC all night long, I used to call it my insurance
4 policy, I would take a full pill. And every now and
5 then, you know, if I kind of needed to get to bed,
6 mostly a full pill.

7 Q. So taking one pill at a time, half at some
8 times?

9 A. Mostly one pill, I'd say.

10 Q. Every 70 days --

11 A. That's when I got it refilled.

12 Q. -- you would go through 30 pills?

13 A. That's when I would get it refilled. I would go
14 through pills, I would say, every 90 days.

15 Q. So you had a balance built up?

16 A. Yes.

17 Q. Do you know what the dosage was on the Ambien
18 that you had previously? It was ten milligrams or
19 12.5?

20 A. Yes, the 10 milligrams is what I was taking.
21 The 12.5 is the CR. The CR is a different type of pill.
22 The CR is a circle pill that you can't break.

23 Q. So it's a little bigger?

24 A. It's bigger, and it does a lot more. It's up
25 there.

1 Q. When you went to get this patient history,
2 did you request the Ambien on it?

3 A. Yes.

4 Q. So this reflects this patient history in
5 Exhibit 35, reflects every Ambien prescription that
6 you had, on this page at least, between 4-7-15 and
7 12-9-15, correct?

8 A. Yes.

9 Q. I didn't hear what you said, I'm sorry.

10 A. Yes.

11 Q. Let's go to Exhibit 34 for a second, which is
12 the invoice from Fellheimer and Eichen?

13 A. Okay.

14 Q. It says, fees billed, May 15th, 2015, to
15 2-28, \$29,962.50.

16 A. Yes.

17 Q. Did you see itemized invoices for that?

18 A. Not on this. On the other bills that they sent
19 me, absolutely.

20 Q. No, this is the summary.

21 A. Yes.

22 Q. But you saw the underlying bills --

23 A. Yes.

24 Q. -- besides --

25 A. Yes.

1 Q. -- that?

2 A. Yes.

3 MR. HELBING: Excuse me, just one second,
4 Your Honor. I'm just reviewing this quickly.

5 THE COURT: Yes.

6 BY MR. HELBING:

7 Q. One more thing from your deposition was, how
8 many vendors do you have?

9 A. In 222 --

10 Q. Yes, yes.

11 A. -- at the time there were three.

12 Q. And did any of the vendors leave you because
13 of your performance?

14 A. They did. After the deposition, yes, a company
15 called Go Smile left.

16 Q. When did they leave?

17 A. They left -- well, they hadn't received a
18 purchase order. They didn't formally leave until, I
19 guess, August of last year.

20 No. I remember it was like a month after the
21 deposition, Go Smile beat it.

22 Q. How many new products did 222 bring to QVC in
23 2014?

24 A. There were none brought in 2014.

25 Q. 2015?

1 A. I had one that I was working on that didn't do
2 anything until very late in the year.

3 Q. How about 2016?

4 A. Wait, I'm sorry, 2016 is when I brought the one
5 on that didn't happen until late in the year.

6 Q. How about 2015 then?

7 A. 2015, I don't recall. No. There was one.
8 Viatech came in 2015.

9 Q. Okay. Now, once a product appears on QVC for
10 the first time --

11 A. Yep.

12 Q. -- does it usually peak the first time and
13 then go down? How does that work?

14 A. As far as the lifespan of a product?

15 Q. Yes, exactly.

16 A. Typically, no. Typically it starts off okay,
17 and then with my expertise, what I do, I work with the
18 vendors. I work with what assets we need. I work with
19 the production, and I work with the guest, so it peaks
20 after that. And then what I try and do is run a
21 marathon with the product, not overdo it, not underdo
22 it, have a long life cycle.

23 Q. Okay.

24 A. But typically a product's life cycle, if I'm
25 running it, I try to make it last three years.

1 Q. How many, I'm sorry?

2 A. Make it last three years.

3 Q. Three?

4 A. Yes.

5 Q. So the first time it airs is when you
6 fine-tune it --

7 A. Yes.

8 Q. -- and then it goes up from there.

9 Now, after the second airing, does it keep
10 going up, or does it plateau?

11 A. It all depends what we're talking about. Every
12 item is different. If you're talking to me about the
13 lamb that we just put on for food, for Easter, obviously
14 it's going to peak now, you know, but you replace that
15 with something else.

16 So everything is different. What you're asking
17 isn't really relevant, and, you know, again, I get into
18 this QVC thing all the time. It doesn't work the way
19 people think. It's seasonal. It's what is right for
20 spring, what is right for summer, what is right for
21 fall. It's that kind of business.

22 MR. HELBING: I think I'm done, Your Honor.

23 THE COURT: Very good.

24 Any redirect?

25 MR. HELBING: Yes, Your Honor.

1 REDIRECT EXAMINATION

2 BY MR. JACKO:

3 Q. Mr Tepper, taking a look at Plaintiff's
4 Exhibit 11, and drawing your attention to the second
5 paragraph, third sentence, do you see where it
6 says --

7 A. Wait. Our book, Number 11?

8 Q. Yes, Plaintiff's Exhibit 11.

9 A. Yeah, okay. I'm sorry, I'm sorry, I'm sorry.

10 Q. Yes, you can close the Defendant's Exhibit
11 book.

12 A. Yep.

13 Q. Thank you.

14 A. Okay.

15 Q. Looking at the first page of the January 16th
16 letter from the FDIC, the second paragraph, third
17 sentence, do you see where it says that "The receiver
18 hereby advises you that you are in default"; do you
19 see that? I'm just asking if you see it.

20 A. No, what paragraph? I'm sorry.

21 Q. Second paragraph, third sentence.

22 A. Okay.

23 Q. It starts "The receiver hereby advises you
24 that you are in default."

25 A. Yes.

1 Q. Okay, and then it goes on.

2 Do you see that it also says, "And that the
3 receiver reserves all rights under the loan documents
4 and under applicable law for any and all remedies,
5 including the acceleration of the outstanding balance
6 and any other sums due"?

7 A. Yes.

8 Q. Okay. But nowhere in this document do you
9 agree with me does it say that the FDIC as receiver
10 was deciding to terminate and accelerate your loan;
11 is that correct?

12 A. Yes, sir.

13 Q. Okay. And looking at the second-to-last
14 paragraph on the next page, where it talks about
15 advising you that the receiver intended to market and
16 sell all the assets of the former bank, including
17 your -- what it described as a defaulted loan
18 beginning approximately 90 days from the date of the
19 closing of the bank.

20 That 90-day period they are talking about was
21 about to begin at or shortly after the time that this
22 letter was written; is that your understanding?

23 A. Yes.

24 MR. HELBING: Objection, Your Honor. How
25 does he know?

1 THE COURT: It's leading, but I'm going to
2 overrule it. It's what he believes in his mind.

3 MR. JACKO: Mr. Tepper, I'd like to thank
4 you. I don't have any further questions.

5 THE COURT: Recross?

6 MR. HELBING: Nothing further, Your Honor.

7 THE COURT: Very well. Have a seat.

8 Do you have another witness on; behalf of the
9 plaintiff?

10 MR. JACKO: Yes, Your Honor. I'd like to
11 call Mr. Korogluyan as of cross.

12 THE COURT: We'll go to five of 1:00. I
13 have a conference call at 1:00, and then we'll pick up
14 at five of 2:00.

15 NAREG KOROGLUYAN, was duly sworn.

16 DIRECT EXAMINATION

17 BY MR. JACKO:

18 Q. Mr. Korogluyan, my apologies if I
19 mispronounce your name, but I'll do the best I can,
20 and I hope you'll forgive me.

21 A. Absolutely.

22 Q. Are you the operations officer for Amos
23 Financial LLC?

24 A. I am.

25 Q. Now, for purposes of discussion, I'm going to

1 refer to it as Amos; is that acceptable?

2 A. It is.

3 Q. Great. Now, you're the son of Amos' founder,
4 I believe it's Ohannes Korogluhan; is that correct?

5 A. That's correct.

6 Q. You're the second in command in the
7 management hierarchy at Amos; is that correct?

8 A. That's correct.

9 Q. You were deposed as a witness in this case on
10 July 15th, 2016, correct?

11 A. That is correct.

12 Q. Looking at Plaintiff's Exhibit 21, you
13 recognize that document to contain portions of your
14 deposition testimony from that day; is that correct?

15 A. That is correct.

16 Q. Now, prior to participating in the
17 deposition, you met with the attorneys for Amos to
18 prepare for your participation in the deposition; is
19 that correct?

20 A. Which attorneys?

21 Q. Mr. Helbing, for instance.

22 A. I met Mr. Helbing at the deposition.

23 Q. Now, you're also Amos' custodian of records,
24 correct?

25 A. I am.

1 Q. Now, you agree that Amos was not registered
2 to do business in Pennsylvania any time prior to
3 October 26th, 2015, correct?

4 A. I can't say that for sure.

5 Q. Well, why don't you take a look at
6 Exhibit 32? Do you have any reason to dispute that
7 Amos first registered as a foreign limited liability
8 company with the Commonwealth of Pennsylvania on
9 October 26th, 2015?

10 A. I'm sorry, can you repeat that question?

11 Q. Sure. You don't have any reason to dispute
12 that Amos first registered with the Commonwealth of
13 Pennsylvania on October 26th, 2015, do you?

14 A. I do. I mean, this document indicates that we
15 did register October 26th, 2015.

16 Q. Correct, you agree with this document,
17 correct?

18 A. Your question was if we first registered.

19 Q. Correct, you first registered on that day,
20 October 26th, 2015, correct?

21 A. I don't recall. We may have registered before.
22 I don't think this document concludes that.

23 Q. You can see that the effective date is
24 October 26th, 2015, correct?

25 A. Sure. But there could be a previous

1 registration that may have lapsed, so I can't conclude
2 that.

3 Q. But you don't know that there was, do you?

4 A. I don't recall.

5 Q. And you haven't presented one in this case,
6 correct?

7 A. I don't think I was asked for one.

8 Q. But the answer to my question is, you didn't
9 produce one in this case, correct?

10 A. I personally did not respond to the
11 Interrogatories, so I guess I just don't think I'm
12 qualified to answer the question.

13 MR. HELBING: Your Honor, I'm going to
14 object to the line of questioning.

15 Amos Financial is not required to register in
16 the Commonwealth of Pennsylvania as a debt collector and
17 is engaged in the collection of debt.

18 THE COURT: I understand your position.
19 I'm going to overrule your objection. He's allowed to
20 ask the questions.

21 And your answer was you did not know whether
22 this was the final document that tells you whether you
23 were registered or not?

24 THE WITNESS: Yes, Your Honor.

25 THE COURT: Moving on, next question.

1 MR. JACKO: Thank you, Your Honor.

2 BY MR. JACKO:

3 Q. You understand, sir, that Amos claims to have
4 purchased the HELOC loan that the Teppers had
5 originally with NOVA Bank that we've been discussing
6 all morning, correct?

7 A. Yes.

8 Q. And Amos bought that from the FDIC, correct?

9 A. Yes.

10 Q. And Amos in purchasing that loan also
11 acquired the Credit Agreement and the mortgage
12 associated with it, correct?

13 A. Yes.

14 Q. And you recognize those as Plaintiff's
15 Exhibits 1 and 3, correct?

16 A. Exhibit 1 is the note. Exhibit 3 is the
17 mortgage.

18 Q. And the bill of sale that Amos had for
19 purchase of these documents or this loan is
20 Plaintiff's Exhibit 4.

21 You recognize that, correct?

22 A. Yes.

23 Q. You also recognized the allonge that is
24 Plaintiff's Exhibit 5, correct?

25 A. I'm sorry, what am I acknowledging?

1 Q. That you recognize the allonge that is
2 Plaintiff's Exhibit 5?

3 A. Yes.

4 Q. You agree with me that it's not dated and
5 that it's signed by your in-house counsel at Amos,
6 Brian C. Donegan for Amos as the FDIC
7 Attorney-In-Fact, correct?

8 A. I'm sorry, there were two questions there.
9 Can you read the first portion?

10 Q. Okay. You agree with me that the allonge is
11 not dated, correct?

12 A. Yes.

13 Q. And you also agree with me that it's signed
14 by Amos' in-house counsel, Brian C. Donegan, for Amos
15 and as the FDIC's Attorney-In-Fact correct?

16 A. As customary, yes.

17 Q. Okay. And you recognize the assignment of
18 mortgage that is Plaintiff's Exhibit 6, correct?

19 A. Yes.

20 Q. And that that document is also signed by
21 Amos' attorney, Brian C. Donegan, for Amos and as the
22 FDIC's Attorney-In-Fact, correct?

23 A. Correct.

24 Q. It's even notarized by Mr. Carroll, Amos'
25 employee, correct?

1 A. Correct.

2 Q. You've been in the courtroom all morning, and
3 you heard Mr. Carroll's name mentioned previously,
4 correct?

5 A. I did hear Mr. Carroll's name mentioned this
6 morning.

7 Q. You know that he's an attorney in the State
8 of Illinois, correct?

9 A. He has a license to practice law in the state of
10 Illinois.

11 Q. Now, looking at Exhibit 6, in particular, if
12 you look at Page 2, you agree with me that the
13 assignment of mortgage that is Plaintiff's Exhibit 6
14 was not filed of record --

15 A. I'm sorry, which Exhibit was that?

16 Q. Exhibit 6.

17 A. Okay.

18 Q. You see that at the top left corner it says,
19 "Prepared by," and after Recording Returned to
20 Brian C. Donegan"?

21 A. Yes.

22 Q. And that's Amos' lawyer, correct?

23 A. In-house counsel.

24 Q. And if you look at the signature block for
25 Mr. Donegan, it's his signature on behalf of the

1 FDIC, and you would agree with me that it says "Power
2 of Attorney Recorded Commissioner of Records, City of
3 Philadelphia on August 20th, 2013," and it has a
4 Document Identification Number of 52684702."

5 Have I read all of that correctly?

6 A. Yes.

7 Q. Okay. And the document itself was signed on
8 April 15th, 2013; do you see that?

9 A. Yes.

10 Q. Then although it states that this was filed
11 on August 20th, 2013, you also agree with me --
12 strike that, let me say it again.

13 Under Mr. Donegan's signature you agree with me
14 that it indicates that this was filed on August 20th,
15 2013.

16 But if you look at the first page of the
17 document, you agree with me, don't you, that the actual
18 filing was not done until October, what appears to be,
19 30th, 2013; is that correct?

20 A. I'm sorry, there were like three or four
21 questions there. I think I can clarify, if you'll
22 allow.

23 Q. I'm just asking you on the first page of this
24 document, it indicates that it actually was not filed
25 of record until October -- the date is a little

1 difficult to read. It's either the 29th or 30th of
2 2013. You agree with that --

3 A. Yes, but you're referencing --

4 Q. -- don't you, sir?

5 A. I'm sorry, you started the question with, "The
6 Power of Attorney."

7 Q. I'll rephrase it.

8 A. Yeah.

9 Q. On Page 1 you agree with me that it indicates
10 that the document was actually filed of record on
11 October, either the 29th or 30th of 2013?

12 A. Which document? That's what I'm trying to
13 understand.

14 Q. Exhibit 6, the one we've been talking about.

15 A. The assignment of mortgage?

16 Q. Correct.

17 A. Okay. Yes, the assignment of mortgage was
18 recorded. I agree with you it's hard to read, but
19 10-20-2013 would be my best guess.

20 But you're referring to the Power of Attorney
21 that was recorded on 8-20-2013, so it's not the same
22 document. There are two different dates. They are two
23 different documents.

24 Q. But the fact of the matter is the assignment
25 of mortgage was not filed publicly of record in

1 Philadelphia until after Amos sent a September 2013
2 Notice of Default to the Teppers; is that correct?

3 A. I can't comment on the Notice of Default date.
4 I would need to reference it. But this document was
5 recorded on 10-29.

6 Q. Okay. Of 2013?

7 A. Of 2013.

8 Q. If you look at Plaintiff's Exhibit 15, you
9 agree with me that the recordation of the assignment
10 of mortgage occurred about six weeks after you told
11 the Teppers that they were in default, correct?

12 "You" meaning Amos.

13 A. I can just comment on this --

14 Q. I just want you to answer my question, sir.

15 A. Okay. What was the question?

16 MR. HELBING: I'm going to object, Your
17 Honor. It does not have to be in court to be effective.

18 THE COURT: Overruled. He's asking a
19 question that specifically the witness is directed to
20 answer.

21 Try it again, counsel because you keep changing
22 the question on the witness.

23 MR. JACKO: My apologies, Your Honor.

24 BY MR. JACKO:

25 Q. Sir, looking at Plaintiff's Exhibits 15 and

1 6, you agree with me, don't you, that the assignment
2 of mortgage was not filed of record in Philadelphia
3 County until approximately six weeks after Amos sent
4 to the Teppers Notice of Default on September 20,
5 2013; is that correct?

6 A. Based on these two documents, that would seem to
7 be correct.

8 Q. Okay.

9 THE COURT: We'll take our lunch break now.
10 We will be in recess until five of 2:00. See you back
11 then.

12 (Luncheon recess was held at 12:55 p.m.)

13 (The Court resumed the proceedings
14 at 1:55 p.m.)

15 THE COURT: You may be seated.

16 Sir, I'll remind you that you're still under
17 oath from being previously sworn in.

18 THE WITNESS: Thank you.

19 THE COURT: You may continue with your
20 examination of this witness, counsel.

21 MR. JACKO: Thank you, Your Honor.

22 BY MR. JACKO:

23 Q. Mr. Korogluhan, you recognize that the
24 Teppers' HELOC loan was for personal family or
25 household purposes correct?

Gregg B. Wolfe, RPR, CM
215-460-1511

1 MR. HELBING: Objection, Your Honor
2 relevance.

3 THE COURT: Overruled.

4 Do you know?

5 THE WITNESS: I assume so.

6 BY MR. JACKO:

7 Q. Okay. And turning you to Plaintiff's Exhibit
8 Number 2, you'll see a boarding data sheet that you
9 agree with me Amos received from the FDIC, correct?

10 A. Yes.

11 Q. And you agree with me that it identifies in
12 about the middle of the page the purpose of the loan
13 is for personal family household purposes or personal
14 investment purposes, correct?

15 A. Yes.

16 Q. Further down it indicates that it's a
17 consumer line of credit on the second line up from
18 the bottom on the column to the left, correct?

19 A. Correct.

20 Q. And it also in the next column over indicates
21 that it's a consumer line of credit?

22 A. Correct.

23 Q. Okay. Looking at Plaintiff's Exhibit Number
24 7, you recognize that as the payment history that
25 Amos received from the FDIC on the Tepper loan,

1 correct?

2 A. Correct.

3 Q. And you received those documents as part of
4 the sale transaction from the FDIC?

5 A. Correct.

6 Q. And they were made available to Amos during
7 the due diligence period when it was considering
8 buying loans from the FDIC?

9 A. I can't say a specific document, but it may have
10 been.

11 Q. Now, at no time since Amos acquired the loan
12 from the FDIC did Amos provide to the Teppers any
13 loan history at all before this litigation was filed;
14 is that correct?

15 A. I'm sorry, can you repeat that?

16 Q. You agree with me, don't you, that Amos never
17 provided to Teppers any loan history associated with
18 their loan from the time that Amos acquired the loan
19 from the FDIC until this litigation was filed; is
20 that correct?

21 A. You mean, a history since we held the note, or a
22 history going back?

23 Q. Any history.

24 A. Oh, no, Amos did not provide a previous history
25 of that.

1 Q. You have a degree in finance?

2 A. I do.

3 Q. Now, looking at Plaintiff's Exhibit 8, you
4 recognize that as --

5 A. I'm sorry, you said the Number 8?

6 Q. Eight, yes. you recognize that document as an
7 early loan account statement that NOVA Bank provided
8 to the Teppers associated with their loan, correct?

9 A. Yes.

10 Q. In fact, Amos received that from the FDIC,
11 correct?

12 A. Correct.

13 Q. That's the only statement of its kind that
14 Amos produced in this litigation; is that correct?

15 A. When you say "of its kind," this specific
16 format?

17 Q. Yes.

18 A. Yes.

19 Q. Now, looking at Plaintiff's Exhibit Number 1,
20 it's the Credit Agreement that you identified
21 earlier.

22 Now, do you see in the first introduction
23 paragraph the last sentence it says, the words "We,"
24 "Us," "Our" and "Lender" mean NOVA Bank? Do you see
25 that?

1 A. I do.

2 Q. And since Amos acquired this loan from the
3 FDIC, do you recognize that those words would equally
4 apply to Amos?

5 A. I do.

6 Q. And you also agree that since those words and
7 this document apply to Amos, that Amos would step
8 into the shoes of NOVA Bank in performing under the
9 terms of this agreement, correct?

10 A. That is correct.

11 Q. And turning your attention to Plaintiff's
12 Exhibit 12, it's a Notice of Assignment, Sale or
13 Transfer of Servicing Rights; do you see that?

14 A. I do.

15 Q. And you recognize that as a document that
16 Amos, allonge with the FDIC, forwarded this document
17 to the Teppers, correct?

18 A. Correct.

19 Q. And it identifies in this document, it
20 identifies Amos as a servicer, correct?

21 A. Correct.

22 Q. And that in this document it doesn't identify
23 Amos as a debt collector, correct?

24 A. I guess can you define debt collector versus
25 servicer?

1 Q. Well, there is no definition for servicing --
2 servicing the loan is not defined in this document,
3 correct?

4 A. It's implied, but, sure.

5 Q. So you agree with me, correct?

6 A. No, I'm sorry. The difference between "debt
7 collector" and "servicer" is where I'm trying to figure
8 out where your question is going.

9 Q. All I'm asking you, sir, is nowhere in this
10 document does it identify Amos as a debt collector,
11 correct?

12 A. No, the words "debt collector" are not in this
13 document.

14 Q. And you agree with me, don't you, looking at
15 Plaintiff's Exhibit 1, the Credit Agreement, that
16 nowhere in that document is there any mention of
17 reinstatement letters or reinstatement notices,
18 correct?

19 A. I'm sorry, in Number 1?

20 Q. Correct.

21 A. You're asking if the word "reinstatement" is in
22 here?

23 Q. Correct.

24 A. Can I take a minute to look through?

25 Q. Sure.

1 A. I don't think I was able to scan through
2 everything, but I didn't see the word "reinstatement."

3 Q. But you agree with me, don't you, that
4 nowhere in this document that is Plaintiff's
5 Exhibit 1 is the concept of a reinstatement letter or
6 reinstatement notice discussed?

7 A. Yes, that's usually required by the state, not
8 the note.

9 Q. Now, looking at Plaintiff's Exhibits 13 and
10 14, these are the June 5th, 2013 and July 24th, 2013
11 letters from Amos to the Teppers; do you see those?

12 A. Yes, which one am I looking at first?

13 Q. You can look at 13.

14 A. Okay.

15 Q. You and Amos refer to that communication as a
16 reinstatement letter, correct?

17 A. Sure. Yes.

18 Q. And so the same question for Plaintiff's
19 Exhibit 14.

20 A. Yes.

21 Q. Now, when you were deposed in this case, do
22 you remember initially describing the Tepper loan as
23 a simple interest loan?

24 A. I do.

25 Q. And do you also remember initially describing

1 it as a fixed-rate loan?

2 A. I think -- I apologize for perhaps wording, but
3 I think from the deposition what I was trying to say was
4 the rate never actually changed due to the floor never
5 being hit. Now, the floor was 5.49.

6 So, in practice, the rate had not changed since
7 the beginning of the loan.

8 Q. So you're trying to -- strike that. Let me
9 refresh your recollection.

10 Look at Plaintiff's Exhibit 21, if you'll go to
11 Page 20 and you look at Lines 11 and 12, you were asked.

12 "Q Is this a fixed rate or variable rate?"

13 Your answer,

14 "A It's a fixed rate."

15 Does that refresh your recollection as to how
16 you initially described this loan?

17 A. Yes, and I believe I cleared it up, if you read
18 through the next few lines. I made a mistake. I
19 acknowledged it in the deposition.

20 Q. Well, in fact, during the deposition, when
21 you were asked more about the loan, you suggested
22 that it seemed to be a variable rate loan; is that
23 correct?

24 A. Yes.

25 Q. Okay.

1 A. I'm sorry, if I can clarify the loan is a
2 variable rate loan, absolutely.

3 Q. Yes.

4 A. It is absolutely a variable rate loan. However,
5 what I was trying to illustrate, and I probably didn't
6 pick the best words, was that the rate did not actually
7 change. Mr Fellheimer asked about this. The prime
8 changed. Prime went from 3 --

9 MR. JACKO: Your Honor, I'm going to to
10 move to strike. He's not answering my question.

11 THE COURT: Yes, it is a little bit more
12 than what was asked.

13 THE WITNESS: I'm sorry.

14 THE COURT: Your counsel can follow-up with
15 any further questions he has.

16 THE WITNESS: Sure.

17 THE COURT: Moving allonge.

18 MR. JACKO: Okay.

19 BY MR. JACKO:

20 Q. Now, you agree that it was your father,
21 Ohannes Koroghlyan, who was the person at Amos who
22 determined that Amos would declare the Teppers to be
23 in default of the loan on or about September 20,
24 2013, correct?

25 A. Correct.

1 Q. In fact, you agree with me, don't you, that
2 it was upon your father's declaration of default that
3 Amos claimed that it increased the rate to
4 9.49 percent?

5 A. Correct.

6 Q. Yet, Amos never informed the Teppers of that
7 fact as of September 20, 2013, that it was actually
8 being increased by an additional five percent to
9 9.49 percent?

10 A. It was not. I'm sorry, the rate was increased
11 to 9.49.

12 Q. No, but looking at Exhibit 15, you can see
13 where in the bottom paragraph it said that -- and I'm
14 quoting, that the loan would be increased by an
15 additional 5 to 9.49 percent; in other words, it was
16 going to be raised by a range of percentage points?

17 A. No. The wording could be unclear. I could see
18 that. But what this meant to say was that the rate is
19 4.49. That was the part I was trying to clarify
20 earlier. It increased five, from 4.49 plus five to
21 9.49.

22 Q. But you can see how it wasn't read that way
23 or can be read a different way, correct?

24 A. Sure. But not really. It says by an additional
25 five percent to 9.49, but I'm not an attorney, so I

1 would take your word for it that it could be
2 misinterpreted.

3 Q. You recognize that neither of the Teppers are
4 attorneys, correct?

5 A. I understand that.

6 Q. But the answer to my question is "Yes"?

7 A. Yes.

8 Q. Thank you.

9 THE COURT: Now, this document that is
10 being referenced right now, were you a party to that
11 document when it was signed and created?

12 THE WITNESS: Generally, it's something
13 that I oversee, so, yes.

14 BY MR. JACKO:

15 Q. Okay. If you don't mind, can you look at
16 Plaintiff's Exhibit 17? It's the Complaint and
17 Mortgage Foreclosure that Amos filed against the
18 Teppers?

19 A. Okay.

20 Q. Do you see that document?

21 A. I do.

22 Q. Do you agree with me that there is no
23 periodic monthly statement attached to that document?

24 MR. HELBING: Objection, Your Honor. The
25 law does not require that to be attached. It's more of

1 a complaint.

2 THE COURT: He just asked whether there is
3 or not. He doesn't say whether it was lawful or
4 illegal.

5 The objection is noted. It's overruled.

6 You can answer that question.

7 Are they attached for the purposes of an answer
8 to this question?

9 THE WITNESS: In this document, it does
10 not.

11 THE COURT: Next question.

12 BY MR. JACKO:

13 Q. You were in court when Mr. Tepper read that
14 portion of the Credit Agreement that talked about the
15 periodic monthly statement as being the best
16 evidence, weren't you?

17 A. Yes.

18 Q. Okay. And you would agree with me that
19 without such a statement attached to the Complaint
20 and Mortgage Foreclosure or having been produced in
21 this litigation, that Amos has not produced the best
22 evidence of what it claims are the amounts owed on
23 this HELOC loan, correct?

24 MR. HELBING: Objection, Your Honor. It
25 asks for a legal conclusion.

Gregg B. Wolfe, RPR, CM
215-460-1511

1 THE COURT: Yes, that's argumentative.

2 Further, your client should have knowledge
3 about what payments, if any, he made.

4 Your objection is sustained.

5 Next question.

6 MR. JACKO: Your Honor, that's all.
7 Nothing further. I'm done.

8 THE COURT: Now, you can your re-direct on
9 this witness, so we can move on.

10 MR. HELBING: Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. HELBING:

13 Q. Before we get into the direct's review, what
14 we do on the cross here, what is the business that
15 Amos Financial is engaged in?

16 A. Amos Financial acquires and services
17 non-performing and semi-performing consumer and
18 commercial loans.

19 Q. Is that the only business that Amos is
20 engaged in?

21 A. Yes.

22 Q. The question was asked whether or not Amos
23 provided a reinstatement notice pursuant to the
24 Credit Agreement -- strike that.

25 The question was, whether or not the Credit

1 Agreement requires reinstatement notices, correct? You
2 said it does not.

3 A. The word "reinstatement" --

4 MR. JACKO: Objection, Your Honor. I'm not
5 sure what the question is.

6 THE COURT: Why don't we try it again?

7 MR. HELBING: Okay. The question was, Your
8 Honor --

9 BY MR. HELBING:

10 Q. Does the Credit Agreement require
11 reinstatement figures?

12 A. It does not.

13 Q. But the Credit Agreement is secured by a
14 mortgage, correct?

15 A. It is.

16 Q. That mortgage is attached to the Complaint, I
17 believe -- I'm sorry, attached as Exhibit 3 in the
18 Plaintiff's binder?

19 A. I'm looking at it.

20 Q. Turn to Page 12, please.

21 A. Twelve of the mortgage document?

22 Q. Yes, please.

23 A. Okay.

24 Q. Look at the governing law.

25 A. I'm looking.

1 Q. Does it provide that it's governed by the
2 laws of the Commonwealth of Pennsylvania?

3 A. It does.

4 Q. Are you aware of whether or not the laws of
5 the Commonwealth of Pennsylvania require a mortgage
6 company to accept the reinstatement?

7 A. They do.

8 MR. JACKO: Objection, Your Honor.

9 THE COURT: What's your objection?

10 MR. JACKO: He's not an expert to
11 competently testify as to what the law is, and it's
12 really within the purview of the Court.

13 THE COURT: I'm going to make that
14 determination, counsel. He asked him whether he knew,
15 and I'm going to allow it.

16 Overruled. It doesn't make a difference
17 whether he's right or wrong. I'm going to make the
18 determination.

19 MR. HELBING: Thank you.

20 THE COURT: Moving on.

21 BY MR. HELBING:

22 Q. If you look at Exhibit 1, Page 20, which is
23 the transcript of your deposition --

24 A. Yes.

25 Q. -- that's the page that counsel asked you to

1 review where you said it was a fixed rate.

2 You wanted to explain what you meant by that.
3 Can you please do so?

4 A. Yes. I believe in the deposition I started out
5 by incorrectly saying it was a fixed rate. I believe I
6 cleared it up, but it was a variable rate loan.

7 However, the rate, no matter how much it
8 fluctuates, unless prime goes above 5.49, the customer's
9 interest rate does not change. That's all I was trying
10 to clarify.

11 Q. During the life of the Tepper loan, did the
12 prime ever reach 5.49?

13 A. It did not.

14 THE COURT: Now, that Tepper loan, I asked
15 you this before, that document where that statement
16 that's contained in, you were not an original signer to
17 that document, were you?

18 THE WITNESS: I'm sorry --

19 MR. HELBING: I'm sorry, Your Honor, what
20 Exhibit is that, sir?

21 THE COURT: The one where the language is
22 4-point something to 9-point something.

23 THE WITNESS: Oh, that was our default
24 letter that we sent.

25 THE COURT: Is that language included in

1 the original mortgage?

2 THE WITNESS: I would have to look at it.

3 MR. HELBING: If you could look at the
4 Credit Agreement, Exhibit 1 , Your Honor, to answer the
5 question, the witness will look at the default
6 provisions.

7 THE WITNESS: Yes, it's on Page 4 in the
8 second paragraph that starts with "Rate Increases."

9 BY MR. HELBING:

10 Q. Can you please read that for the Court?

11 A. I guess -- this is part of the lender's rights.
12 It reads, "Rate increases. In addition to all the
13 rights during termination and acceleration we may
14 increase the variable ANNUAL PERCENTAGE RATE under this
15 agreement to 5 percentage points over the then
16 applicable ANNUAL PERCENTAGE RATE. The ANNUAL
17 PERCENTAGE RATE will not exceed the maximum permitted by
18 applicable law."

19 Would you like me to continue?

20 Q. No.

21 THE COURT: When was that document signed?

22 THE WITNESS: That's the original note that
23 I'm reading.

24 THE COURT: That's the original note.

25 And you were not a party to that original note?

1 THE WITNESS: No. We purchased it.

2 THE COURT: And that original note was
3 signed and endorsed by the plaintiff and his wife?

4 THE WITNESS: Yes.

5 THE COURT: Moving on.

6 BY MR. HELBING:

7 Q. Are you able to calculate the amount that was
8 owed as of the date the Foreclosure Complaint was
9 filed?

10 A. If you will help me with the calculator, I can
11 give you the numbers to do it.

12 MR. HELBING: Can I give him a calculator,
13 Your Honor?

14 THE COURT: Sure.

15 MR. HELBING: It's on my cellphone, but it
16 will be a calculator.

17 THE WITNESS: Well, I'll give you the
18 numbers, if you'd like to calculate it.

19 BY MR. HELBING:

20 Q. No, that's fine.

21 THE COURT: Make a record of this
22 calculation, how you go about it, what figures you use
23 and why.

24 BY MR. HELBING:

25 Q. Yes, every number you put in, verbalize what

1 it is and what it represents.

2 THE WITNESS: Do you mind if I ask for a
3 piece of paper and a pen?

4 THE COURT: Sure.

5 BY MR. HELBING:

6 Q. Actually, I'm going to ask for the
7 calculation to be to the date of April 8th, 2015,
8 which is the day of the John Carroll E-mail.

9 A. Okay. So I would start out in Exhibit 7 with
10 the loan payment history.

11 Over there you can see that the loan is paid
12 through the last interest payment when the loan was not
13 in default was February 20th, 2013.

14 The default date of John Carroll's letter
15 was --

16 MR. HELBING: It wasn't in John Carroll's
17 -- the default was in the -- I'm going to direct him to
18 his attention to Number 15.

19 THE COURT: You're not testifying.

20 MR. HELBING: I'm directing his attention
21 to Number 15.

22 BY MR. HELBING:

23 Q. Does that refresh your recollection when the
24 default date was?

25 A. Yes, the date of this letter is September 20th,

1 2013, so the one thing I can do with the calculator is
2 calculate the number of days, but I can walk through the
3 -- you would take the number of days from February 20th,
4 2013 to September 20th, 2013, which would be --

5 THE COURT: What are the dates you say,
6 February what?

7 THE WITNESS: February 20, 2013.

8 THE COURT: Hold on. Let me see if I can
9 assist you here. February the what?

10 THE WITNESS: February 20th.

11 THE COURT: That's the 51st day of the
12 year. And to what date?

13 THE WITNESS: September 20th of 2013.

14 THE COURT: September the what?

15 THE WITNESS: September 20th.

16 THE COURT: That's the 263rd day of the
17 year.

18 THE WITNESS: If I subtract the two, I get
19 212. I'm sorry, you gave me the 51st day?

20 THE COURT: Yes, and the 263rd.

21 THE WITNESS: So there are 212 days.

22 THE COURT: 212 days that --

23 THE WITNESS: Then you have the days
24 from -- you want me to do the math to come up to the
25 number on this letter?

1 BY MR. HELBING:

2 Q. I don't want any preconceptions. I just want
3 the math to tell me, as of that date, what was the
4 reinstatement figure?

5 A. Oh, sure. As of this date, on September 20th.

6 Q. No, as of --

7 A. The foreclosure date?

8 Q. No, as of John Carroll's E-mail date,
9 April the 8th.

10 A. Of?

11 Q. 2015.

12 A. Okay. So the next step is, is the number of
13 days --

14 THE WITNESS: I'm sorry, Your Honor --
15 April 8th, 2015.

16 Which day of the year is April 8th?

17 THE COURT: April 8th is the 98th. We're
18 almost done the first 100 days of the Trump
19 administration.

20 THE WITNESS: Okay. So I'm going to assume
21 the number of days between September 20, 2013 to
22 April 8th, 2015 are -- you have one full year, and then
23 you have -- I'm sorry, it's going to take a few minutes,
24 but we'll get the answer.

25 So for the days I'm getting 563 days between

Gregg B. Wolfe, RPR, CM
215-460-1511

1 September 20th, 2013 and April 8th, 2015. I would
2 probably want to recheck my math in Excel, but I should
3 be close.

4 For the first portion, for the 212 days between
5 2-20-2013 and 9-20-2013, we're going to use
6 4.49 percent.

7 BY MR. HELBING:

8 Q. Why is that?

9 A. That was the rate that was being charged when we
10 took the loan. Even though the rate in the note was
11 5.49, NOVA Bank was charging 5.49. We come into these
12 situations where sometimes banks have loyalty programs
13 where they'll take a percentage off if you bank with
14 them. We honor those even though we don't carry that
15 banking relationship.

16 We're not a bank, so we'll always take the most
17 favorable rate. In this case the note rate was 5.49.
18 We honored the 4.49 that was being used. So 4.49 -- now
19 I have to get the calculator out --

20 The principal balance at the time the interest
21 was paid through was \$152,328.56. We're going to
22 multiply that by 4.49 percent, which is \$6,839.55.
23 We'll then divide by 365 to get a per diem interest of
24 18.738. That 18.738 is the per diem between
25 February 20th, 2013 and September 20th, 2013.

Gregg B. Wolfe, RPR, CM
215-460-1511

1 There are 212 days that we counted earlier, so
2 we'll multiply by 212, and the interest comes out to
3 \$3,972.56. That's the interest between September 20th,
4 2013 -- I'm sorry, February 20th, 2013 and
5 September 20th, 2013.

6 Now, the interest rate at the time of the
7 default increased from 4.49 to 9.49 in the second leg of
8 this transaction, or, I guess, this loan history. So
9 the principal balance remained the same. There are no
10 payments.

11 So you would do \$152,328.56 times 9.49 percent,
12 which is \$14,455. Again, we divide by 365 to get a per
13 diem of 39.6. That 39.6 is the per diem between
14 September 20th, 2013 and April 8th, 2015.

15 We'll then multiply by 563 because that's the
16 number of days between those two dates, and that number
17 is \$22,297.85. We'll then add the interest from the
18 first portion of this equation, which is \$3,972.56, and
19 the total comes out to \$26,270.41.

20 This number represents the regular loan
21 interest from 2-20-13 to September 20th, 2013, and then
22 the increased interest rate of 9.49 from the time period
23 of September 20th, 2013 and April 8th, 2015.

24 There will be a margin of error here, just
25 because of my limited --

Gregg B. Wolfe, RPR, CM
215-460-1511

1 THE COURT: It's in the ballpark.

2 THE WITNESS: It should be in the ballpark,
3 absolutely.

4 THE COURT: Moving allonge.

5 BY MR. HELBING:

6 Q. Do you remember a telephone conversation with
7 Mr. Tepper?

8 A. Briefly.

9 Q. And when was that conversation?

10 A. It was around April of 2015 when there was the
11 fire in the home and he had called asking for two years
12 of statements and wanting to discuss what he needed to
13 do to kind of -- I think it was kind of around insurance
14 proceeds and signing off on checks and whatnot.

15 Q. You were here this morning when Mr. Tepper
16 testified as to the comments and threats that you
17 made to him.

18 A. I was.

19 Q. Do you agree with his characterization of the
20 telephone call?

21 A. I do not.

22 Q. Do you agree that you made any threats to
23 him?

24 A. I did not make any threats.

25 Q. What do you recall informing him?

1 A. Again, it didn't stand out as a conversation.
2 You know, from our perspective it, it was that we had
3 started a foreclosure. You know, we kind of -- it
4 was -- I don't really recall. I mean, at the time there
5 was nothing extraordinary about it. Obviously, there
6 was an event. The home fire, that was extraordinary.
7 But as far as our conversation, there was nothing that,
8 you know, I recall that was extraordinary.

9 Q. Did he ask you how he can make payments?

10 A. I don't recall.

11 MR. HELBING: Just bear with me one minute,
12 sir.

13 THE COURT: Yes.

14 MR. HELBING: I have nothing further.

15 THE COURT: Very well.

16 Before redirect, has Amos ever received any
17 payment at all towards this obligation from the
18 plaintiff?

19 THE WITNESS: It has not.

20 THE COURT: Very well. Redirect.

21 REDIRECT EXAMINATION

22 BY MR. JACKO:

23 Q. Going back to your July 15th, 2006 deposition
24 in this case, do you recall being asked if you have
25 no recollection of the call?

Gregg B. Wolfe, RPR, CM
215-460-1511

1 A. I really don't. I mean, we have business
2 records to go off of, but as far as the specifics of the
3 call, I do not.

4 Q. Referring to Page 65 of your deposition, do
5 you recall that you were asked on Lines 18 and 19 and
6 20?

7 A. I'm sorry, which section?

8 Q. You don't have to look at it. I'm asking if
9 you recall this --

10 A. Sure.

11 Q. -- where you were asked, do you -- I'm sorry,
12 the question was,

13 "Q You have no recollection of the call?"

14 Your answer,

15 "A I mean, not a lot of specific
16 conversation. I do not."

17 Do you recall that testimony?

18 A. Are you asking if I recall my recollection?

19 Q. I'm asking you if you recall testifying in
20 that way in your deposition.

21 A. Yes.

22 Q. And do you also recall that in answer to
23 questioning regarding whether you kept any notes of
24 that telephone conversation with Mr. Tepper, your
25 answer was, "No," that you did not?

1 A. I did not, no.

2 Q. Okay. So you agree with me, that that was
3 your testimony. You confirmed that there were no
4 notes?

5 A. I mean, if it's written, I would rather just
6 look at it and confirm, if that's okay.

7 Q. Now, the mathematical exercise you engaged in
8 for the last ten or 15 minutes --

9 A. Sure.

10 Q. -- during the trial, that was not something
11 that Amos ever actually put in writing and ever sent
12 to the Teppers; is that correct?

13 A. We had provided the interest breakdown.

14 Q. No, but you didn't do the math, did you? You
15 didn't provide the mathematical calculation or basis
16 on which you made your calculations, correct?

17 A. I thought we did, but I'll take your word for
18 it, if you're saying it's not in there.

19 Q. Okay. And so when you were just explaining
20 to the judge the principal amount, you identified as
21 \$152,328.

22 Yet, you'll agree with me that the amount of
23 principal identified in the Complaint and Foreclosure on
24 Page 2, Paragraph 9 as of --

25 A. Which section?

1 Q. Plaintiff's Exhibit 17.

2 A. Thank you.

3 Q. The Complaint in Foreclosure, you'll agree
4 with me, identifies a principal balance of
5 \$149,437.70, as of February 11th, 2015, correct?

6 A. I'm sorry, which page is that?

7 Q. Page 2, paragraph 9.

8 A. Okay. Yes, it does. As I mentioned --

9 Q. So there is a difference, as you sit here
10 today, and testify that the principal balance was
11 \$152,328, that is not what Amos said in court
12 documents that were filed in the Court of Common
13 Pleas in Philadelphia County, correct?

14 A. Sure.

15 Q. Okay. Thank you.

16 A. I did say there was a margin of error.

17 Q. No, I'm sorry, sir, you're not answering my
18 question.

19 THE COURT: He wants to limit your answer,
20 and your counsel may open it back up.

21 Let's move on.

22 BY MR. JACKO:

23 Q. Now, you recognize that Amos acquired a loan
24 through the FDIC from NOVA Bank where the course of
25 conduct by the lender and the relationship that that

1 lender had with the Teppers was to charge only
2 4.49 percent, correct?

3 A. Correct.

4 Q. And you recognized that existed from --

5 A. The second month of the loan.

6 Q. If not even the first?

7 A. Okay.

8 Q. All the way through to when NOVA Bank stopped
9 doing business as NOVA Bank in October 2012, correct?

10 A. Correct.

11 Q. Now, you recognize Amos was acquiring a loan
12 where the course of conduct with the lender and the
13 parties was to do something other than what was
14 stated in the Credit Agreement that's Plaintiff's
15 Exhibit 1; isn't that correct?

16 A. I'm sorry, can you repeat that one more time?

17 Q. You recognize that Amos was acquiring a loan
18 that had a three-year interest rate history of
19 4.49 percent being charged, which is something
20 different than what the actual loan documents said,
21 correct?

22 A. Correct.

23 Q. Okay. And yet Amos didn't honor the course
24 of conduct that the parties had where they ignored
25 what the agreement said in that regard, and the

1 Teppers had the benefit of a lower interest rate,
2 which, as you say, would actually have carried
3 through to today but for Amos refusing to honor that
4 course of conduct --

5 A. No.

6 Q. -- isn't that correct?

7 A. No. There are a lot of questions there, but we
8 kept the 4.49, if that's the question. We kept that
9 4.49 rate.

10 Q. No, you didn't. You raised it.

11 A. Well, the loan was previously not in default, so
12 we added five percent to 4.49.

13 Q. Neither Amos nor the FDIC ever terminated and
14 accelerated the loan; isn't that correct?

15 A. No. I was just looking at the -- I was just
16 looking at the documents, September 20th. That's what
17 my calculation was. Yes, September 20th, 2013.

18 Q. Show me in Plaintiff's Exhibit 15 where Amos
19 specifically told the Teppers that it was terminating
20 and accelerating the loan?

21 A. The final sentence of it on the first page.
22 "You are hereby notified that Amos Financial LLC has
23 declared your loan to be in default, and that your
24 interest rate under the loan has increased by an
25 additional five percent to 9.49 effective as of the date

1 of this letter."

2 Q. That does not say that we have decided to
3 terminate and accelerate the loan as of this date; am
4 I correct?

5 A. I mean, yes, it says "You are hereby notified
6 that it's declared in default." So, sure, it does not
7 say that's --

8 Q. Okay. And it also doesn't say and "You owe
9 principal of a specific amount and interest of a
10 specific amount that we ask you to pay as of this
11 date," correct?

12 A. Correct.

13 Q. Okay. In fact, none of the written
14 communications Amos ever sent to the Teppers suggest
15 that any termination and acceleration was being
16 called on this loan; is that correct?

17 A. I don't agree with that.

18 Q. Okay. Then perhaps since the only
19 communications received by or sent to the Teppers,
20 rather, prior to any litigation, whether it was
21 brought by Amos or the Teppers, is contained in
22 Plaintiff's Exhibits 13, 14, 15, 16, and 18.

23 Perhaps you can show me where Amos ever said it
24 was terminating and accelerating the loan.

25 A. Your question was about whether we provided

1 figures.

2 Q. No, sir.

3 A. I'm sorry, then I misunderstood. I thought you
4 were asking if figures were ever provided.

5 Your question is whether or not we terminated
6 and accelerated?

7 Q. Whether you notified the Teppers in any of
8 those exhibits that Amos had made a decision to
9 terminate and accelerate the loan?

10 A. That would have been in the September 20th, when
11 we say that it's in default. But the words that you
12 asked are not in that letter, but that's where they
13 should have been.

14 Q. And, in fact, none of the written
15 communications that are Plaintiff's Exhibits 13
16 through 16 and Exhibit 18 actually ever made a demand
17 to the Teppers to pay the loan in full, including
18 principal and interest; isn't that correct?

19 A. Yes. I don't think we accelerated it until the
20 foreclosure. We were just looking to collect on the
21 interest that was due.

22 Q. Okay. Can you show me where in the
23 Foreclosure Complaint, that is Plaintiff's
24 Exhibit 17, it ever says that there was a termination
25 and acceleration of this debt by Amos?

1 A. Again, in the Foreclosure there's an amount to
2 cure, so I don't think that we --

3 Q. I don't know what you're pointing to, sir.

4 A. I'm sorry -- these ones don't have Bates stamps.
5 It's in 17. In your Appendix 17. Sorry, there are no
6 Bates stamps, so it's a lot of pages.

7 Q. Is there a paragraph number that you're
8 looking for?

9 A. Well, I mean, this is a pretty thick document
10 I'm holding, so I'm just trying to get you a page.

11 THE COURT: Do you want to come over and
12 look over his shoulder to see what he's looking at?

13 MR. JACKO: Sure.

14 THE WITNESS: This is part of the
15 Foreclosure, and this is the -- we're offering the cure,
16 which was the past due interest.

17 Q. Okay. So just so I'm clear on the record,
18 you're pointing to a part of Plaintiff's Exhibit 17,
19 which is Exhibit E to the Complaint and Mortgage
20 Foreclosure. It's a part of the Act 91 Notice behind
21 Mr. Helbing's letter of November 20, 2014. It's the
22 page that has the title, "How to Cure Your Mortgage
23 Default (Bring it Up-to-date)," correct?

24 A. Yes, correct.

25 Q. And what you're saying is it identifies the

1 amount that needed to be paid as \$22,445.99, which is
2 strictly, from Amos' perspective, only the interest
3 that was due on the date of this notice, correct?

4 A. Correct.

5 Q. And that date is in November of 2014,
6 correct?

7 A. I'd have to refer to it.

8 Q. Well, it came with Mr. Helbing's letter dated
9 November 20th, 2014; is that correct?

10 A. Sure, correct.

11 Q. So it clearly cannot be noticed to the
12 Teppers that Amos was terminating and accelerating
13 the loan, because it doesn't make a demand for
14 principal, correct?

15 A. We weren't accelerating is what I'm
16 understanding from this.

17 Q. So you weren't accelerating as of
18 November 2014, correct?

19 A. Well, I'm sorry. I probably misstated that.
20 You're correct. It does not seem that it asks for an
21 acceleration.

22 Q. Okay. So now let's go back to Plaintiff's
23 Exhibit 1, which is the Credit Agreement, and in
24 particular at Page 4, your counsel asked you some
25 questions relating to the Rate Increase paragraph.

1 You started to read it.

2 A. Sure.

3 Q. Are you there yet?

4 A. I am.

5 Q. Okay. You'll see that interest -- or, I'm
6 sorry, additional interest to the 4.49-percent rate
7 could only be charged once there's a determination
8 and acceleration, correct?

9 A. Sure.

10 Q. Yet, you're -- and when I say "you," I mean,
11 Amos, I apologize.

12 Yet Amos says that it was calling a default,
13 and charging an additional interest rate as of
14 September 20th, 2013, even though it hadn't called a
15 termination and acceleration of the loan as of that
16 date, correct?

17 A. Sure.

18 Q. Okay. And no termination or acceleration was
19 called as of November 2014, more than a year after
20 you, Amos, sent the letter of September 20, 2013,
21 correct?

22 A. Sure, yes.

23 Q. Okay. Yet, Amos says that it was charging to
24 the Teppers an additional five percent, all that
25 time, even though it hadn't called the termination

1 and acceleration that would in any way entitle it to
2 an increased rate, correct?

3 A. I think that's an assumption.

4 Q. No, it's not. We just went through the
5 timeline.

6 There was no termination and acceleration
7 called as of September 20th, 2013.

8 Yet, didn't Amos tell the Teppers it was
9 raising the rate five percent?

10 A. We defaulted --

11 Q. Or up to another 9.49, depending on how you
12 read that letter?

13 A. We sent them a default. We did default them.
14 I think where you and are differing is the relationship
15 between the word "default" and the word "acceleration."

16 Q. But there was no acceleration at that time.
17 The only thing that was required or allowed, I should
18 say, an increase in the rate, was a termination and
19 an acceleration.

20 You just said that when we talked about it a
21 few minutes ago.

22 A. The note did, but the states require the right
23 to cure. I'm sorry, I shouldn't have -- I'm sorry.

24 Q. The relationships about what is in the note
25 and what the course of conduct was between the

1 borrower and its lender, correct?

2 A. The item you had me read, absolutely.

3 Q. Now, if you could turn back a page, wait a
4 minute, I'm sorry. Let me get this straight. My
5 apologies.

6 Let's turn to Plaintiff's Exhibit 173. It's
7 the mortgage, if you could go to Page 12.

8 Now, in response to your counsel's question,
9 you only testified about Pennsylvania law being
10 applicable, but don't you agree with me that the
11 mortgage was also governed by federal law?

12 A. Yes.

13 Q. And that would include the Fair Debt
14 Collection Practices Act that is the subject of this
15 lawsuit, correct?

16 A. It would.

17 Q. Okay.

18 MR. JACKO: With that, Your Honor, I don't
19 have any further questions of this witness.

20 THE COURT: Any recross?

21 RECROSS-EXAMINATION

22 BY MR. HELBING:

23 Q. There was a slight difference between the
24 number you calculated and the number that appeared in
25 the John Carroll E-mail.

Gregg B. Wolfe, RPR, CM
215-460-1511

1 Can you explain why the difference was?

2 A. How much was the difference?

3 Q. What was the number you gave previously?

4 A. 26,270.

5 THE COURT: I think the question was in
6 reference to the principal on the loan. There was --

7 THE WITNESS: 149 versus 152, which, again,
8 I was just trying to do this, you know, as more
9 illustrative as the method of calculation.

10 I probably picked the wrong principal from that
11 statement, so I apologize for that error, but it
12 shouldn't have been more than a plus or minus five
13 percent on the final number. Was it?

14 THE COURT: You don't get to ask the
15 question --

16 THE WITNESS: Oh, I'm sorry.

17 THE COURT: -- just to answer them.

18 Moving allonge.

19 Q. Plaintiffs have asked about the course of
20 conduct with the parties and whether or not that's
21 why you varied the terms.

22 In response, can you look at Page 4 of
23 Exhibit 1? You read this previously this morning. I
24 think Mr. Tepper did. Under "Interpretation"?

25 A. Yes.

1 Q. And just read the first sentence.

2 A. "You agree that in this agreement together with
3 the mortgage is the best evidence of your agreements
4 with us."

5 Q. Can you read the rest of that paragraph?

6 A. "If we go to court" --

7 Q. No, no, I mean, read it to yourself.

8 A. Oh, okay.

9 Q. Now, did you also have a chance to skim the
10 entire -- did you have a chance to review the entire
11 Credit Agreement previously?

12 A. The entire credit review?

13 Q. Exhibit 1, did you read the whole thing
14 previously?

15 A. Just now, or in the past?

16 Q. At any point in the past.

17 Do you remember what it says?

18 A. I'm sorry, I'm --

19 Q. At any point in the past, do you remember
20 what it says? Let me just re-ask the question.

21 A. Uh-huh.

22 Q. Anywhere in Exhibit 1, does it make any
23 reference to the course of conduct of the parties?

24 A. I would have to read through it. But not from
25 my recollection. BY MR. JACKO: Thank you, Your Honor.

1 Nothing else.

2 THE COURT: Very well.

3 You may step down now, sir, and watch your
4 step.

5 THE WITNESS: Okay.

6 THE COURT: Any other witnesses on behalf
7 of the plaintiff?

8 MR. JACKO: No, Your Honor, other than the
9 excerpts of the deposition transcripts we admitted at
10 the beginning.

11 THE COURT: Very well. And --

12 MR. JACKO: I apologize. Mrs. Pepper.
13 Forgive me. I'm sorry.

14 ALISON PRICE TEPPER, was duly sworn.

15 DIRECT EXAMINATION

16 BY MR. JACKO:

17 Q. Mrs. Pepper, you've been present throughout
18 the course of today's trial, correct?

19 A. Correct.

20 Q. Can you tell us where you live and who you
21 live with?

22 A. 2111 Spring Garden Street with my husband and
23 our two kids.

24 Q. Are you the person primarily responsible for
25 the household finances?

Gregg B. Wolfe, RPR, CM
215-460-1511

1 A. No.

2 Q. Who is?

3 A. My husband.

4 Q. Do you have an ownership interest in 222
5 products LLC?

6 A. Yes.

7 Q. Do you do any work for that entity?

8 A. Not really.

9 Q. Well, can you describe what, if anything, you
10 do for the entity?

11 A. I deposit checks, and I take care of the person
12 that takes care of the business.

13 Q. Are you predominantly a homemaker?

14 A. Yes.

15 Q. What's your highest level of formal
16 education?

17 A. I have a Bachelor's of Arts in art history and
18 graphic design.

19 Q. Did you sign the Credit Agreement that is
20 Plaintiff's Exhibit 1 and the mortgage that is
21 Plaintiff's Exhibit 3?

22 A. I believe I did, yes.

23 Q. Now, were you present when your husband
24 described in his testimony his telephone conversation
25 with Nareg Korogluyan?

1 A. Yes.

2 Q. Do you remember what happened the day that
3 your husband was on that phone call?

4 A. Yeah. What happened that day and after?

5 Q. Well, I just want to talk about --

6 A. That day?

7 Q. I just want to talk about that day.

8 What were you aware of in terms of your
9 husband's reaction to that phone call?

10 A. He was like beside himself. He was just blown
11 away that he wasn't able to get anywhere with the
12 conversation that he had just had with this person. He
13 was just blown away.

14 Q. Well --

15 A. Well, we had received this notice that our house
16 was in foreclosure, and we did not know what was going
17 on. He called to see what was happening, and this
18 person just would not talk with him at all.

19 Q. Well, was the telephone conversation the
20 first indication that there was a foreclosure action
21 on your home?

22 A. I don't know.

23 Q. Did things change at all in terms of your
24 husband's attitude after that telephone call?

25 A. Yes.

1 Q. How did it change?

2 A. He completely just shut down. He became a shell
3 of himself. He wasn't able to sleep. He wasn't able to
4 concentrate. He just was not himself. He was, for lack
5 of better words, I think he was depressed, and just not
6 able to function in the way that he had been functioning
7 prior to that conversation.

8 Q. Well, can you give a compare and contrast of
9 how things were different?

10 A. He's usually really social. He's engaging.
11 He's like the life of the party. Everybody wants to be
12 around him. He loves going out, and he loves going to
13 work. He just no longer was that person. He had
14 stopped sleeping. I noticed that he just wasn't looking
15 good. He wasn't as active as he had been. He didn't
16 want to go out.

17 There was a time when we had two young kids so
18 going out is something that we used to love to do, but
19 haven't been able to do so much with our young children.
20 We had had an opportunity where both kids were sleeping
21 out at my in-laws, and we were looking forward to it all
22 week. When it came down to it, he just wanted to stay
23 in.

24 I said, "What's going on with you? You have
25 not been yourself. Why are you so upset?"

1 Like he usually keeps a lot of this stuff from
2 me. He just kind of shut down. With the work, I
3 remember waking up in a panic and knowing that he wasn't
4 supposed to be at home and he was home.

5 I said, "Wake up. You're not supposed to be
6 here."

7 He was in a panic.

8 He said, "What do you mean? Oh, my God, what
9 time is it?"

10 That was not him. He was always very on time,
11 following through what he had to do. Social, engaging,
12 the life of the party, and he just was no longer that
13 person. He was no longer performing like the partner
14 that I knew as far as -- and with this currently coming
15 up, he had sort of had gone back to that.

16 Q. Would he help you with the children before
17 this phone call?

18 A. Yes. I mean, every day, you know, "Where do you
19 need me to be? What do you need me to do? This is my
20 schedule today," because his schedule constantly changes
21 on a daily basis, so we check in with each other on a
22 daily basis, because he could have to be somewhere at 3
23 o'clock in the morning, and then have to be somewhere at
24 4 o'clock in the afternoon. So he's running around
25 being busy with work, and I'm at home keeping everything

1 consistent. And where he is able to fill in, he does
2 fill in, but he was no longer there and. Able to fill
3 in.

4 Q. Can you give us some examples of the ways in
5 which it imposed any burden on you?

6 A. I found myself no longer able to rely on him.
7 Like, "Hey, can you pick Brett up at the field at 4
8 o'clock?"

9 And, "Yeah, sure, I'll be there."

10 And then 4:10, "Where are you? What's going
11 on?"

12 So after that sort of happens, I recognize
13 that, "Wow, I'm really not able to depend on you like I
14 was."

15 So that left me having to pick up where he
16 wasn't performing up to his duties of being an equal
17 partner.

18 Q. Did you notice any increase in his drinking?

19 A. Yes. I noticed more bottles empty than I had
20 noticed in the past. But, yet he was still not
21 sleeping. I'd go to sleep, and he'd say, "I'll be in in
22 ten minutes."

23 Then like an hour later I might wake up and
24 notice that he wasn't there. I would go out into the
25 living room, and he was just sitting there watching

1 television or on the computer with a drink.

2 I said, "You know, you need to get to sleep."

3 He's like, "I can't fall asleep. I'm not
4 tired. I was tossing and turning. I didn't want to
5 keep you up, so I came back out here until I got tired."

6 Q. Did there come a time when he exhibited
7 improvement after the circumstances you were just
8 describing?

9 A. It did. Yes, he did. It took a little while.

10 Q. About when did it start to improve?

11 A. I would say in the fall. So the phone call
12 happened in the spring. I would say maybe around the
13 fall.

14 Q. Is he back to himself, in your view?

15 A. He was for a little while, I think. He recently
16 has not been.

17 Q. What, if any, impact has all this had on you?

18 A. Well, I'm miserable. He's making me miserable.
19 He's miserable. He feels like he's completely stressed
20 out. This is the only thing he thinks about, and he
21 wakes up in the morning thinking about it. He goes to
22 sleep thinking about it and he is irritable and
23 argumentative and difficult between the hours of waking
24 up and going to sleep.

25 So I have not been happy. I don't think he's

1 been happy, and our children are not happy.

2 MR. JACKO: Mrs. Teppner, thank you very
3 much.

4 THE WITNESS: Thank you.

5 THE COURT: Cross-examination.

6 CROSS-EXAMINATION

7 Q. Mrs. Teppner --

8 MR. HELBING: I just want to ask the
9 Court's permission to treat this as a direct as opposed
10 to the cross, or I can recall as a witness in my case.

11 THE COURT: Go ahead and ask your
12 questions, counsel.

13 MR. HELBING: Thank you.

14 BY MR. HELBING:

15 Q. I want to really visit the fire that occurred
16 at your residence in January of 2015, okay?

17 A. Uh-huh.

18 Q. Explain the fire to us, please, the size of
19 it, what time it was.

20 A. We woke up to find our house filled with smoke.
21 It was relatively -- I want to say it was a small fire,
22 but the house was completely ruined. It's not the kind
23 of fire that you would see in the movies where your
24 whole entire house is up in flames. It was a relatively
25 contained area, but because of the smoke and water that

1 went throughout the house, the house was completely
2 ruined from top to bottom.

3 Q. So there were no flames shooting -- I'm
4 sorry.

5 A. There were flames shooting, but the entire home
6 wasn't engulfed. I think unless you're in a fire, you
7 don't really understand it. Because when you say your
8 house caught on fire and you lost everything, you think
9 of your entire house burning down. There was a large
10 portion of the house that was on fire and engulfed in
11 flames, but it was not the entire house.

12 Q. How smoky was it inside? Could you see your
13 hand in front of your face?

14 A. Yes.

15 Q. Could you see five feet in front of you?

16 A. I don't remember.

17 Q. So five feet with your hand?

18 A. Yes. I don't know.

19 Q. Because of the fire you had to relocate,
20 correct --

21 A. Yes.

22 Q. -- for 18 months, more or less?

23 A. Yes.

24 Q. And when you relocated, did your children
25 have to change schools?

1 A. No.

2 Q. It was still the same school district?

3 A. Yes.

4 Q. How about your daily routine, like what
5 changed when you moved?

6 A. Nothing really changed. We were very lucky. We
7 got to move down the street from our home. Everything
8 was still the same. My food shopping was the same. I
9 had to maybe drive a minute longer to get my kids to
10 school. The school was the same. Nothing changed as
11 far as my daily routine.

12 Q. Was there a significant difference in the
13 size of the places?

14 A. Yes.

15 Q. About how much larger was your home that
16 burned down as opposed -- were you staying in a house
17 or an apartment?

18 A. We stayed in an apartment. It was significantly
19 smaller.

20 Q. Did that have any impact on your kids or --

21 A. They actually loved being in the apartment.
22 They loved riding up and down in the elevator. In fact,
23 now that they are back in the house, they miss the
24 apartment. They liked the fact that they were sharing a
25 room. There were stores on the ground floor that they

1 could go to themselves. They loved being in the
2 apartment.

3 Q. And when you escaped from the fire, did --
4 the fire department came, correct?

5 A. Uh-huh.

6 Q. Did you get out before the fire department
7 came?

8 A. Yes.

9 Q. So there were no rescues?

10 A. No.

11 Q. Okay. How long did it take you -- strike
12 that.

13 Did the children find their own way out, or did
14 you have to assist them?

15 A. No. We woke the kids up. We were like, "Our
16 house is on fire. Get up."

17 We called 911, and we were in the house until
18 the fire department came and then they told us to leave
19 the house. In fact, I got my kids to school on time
20 that day.

21 Q. So you could barely see five feet in front of
22 you, but you stayed in the house?

23 A. Yes. We went downstairs into another room where
24 the fire wasn't there. The fire was just up in one area
25 of the house.

1 Q. So when you say "downstairs," you don't mean
2 the basement, you mean the main floor?

3 A. The main floor. The fire was on the second
4 floor.

5 Q. Was it in the walls and the floor?

6 A. It was in the floor, but we didn't really know
7 where it was. Like at the time of the fire, it was in
8 the floor and the walls. We weren't aware of the scope
9 of the fire when we were still in the house.

10 Q. And how long were you in the house waiting
11 for the fire department to get there?

12 A. Three minutes.

13 Q. As a result of the fire, did you personally
14 experience any issues, like you're depressed, you're
15 nervous, you're scared?

16 A. I don't know. I don't know where you're
17 going -- we're not here today to talk about the fire.

18 Q. Well, it's a question. And if counsel wants
19 to raise an objection, then he could. But until
20 then, please answer the question.

21 A. What was the question?

22 Q. The question was, as a result of the fire,
23 did you personally, "you," Mrs. Tepper, suffer any
24 anxiety or --

25 A. I suffer from anxiety in general, so I think,

1 you know, if your house catches on fire, you're going to
2 suffer to some degree an amount of anxiety.

3 Q. Do you notice any changes in Mr. Tepper as a
4 result of the fire?

5 A. I think that he dealt with it just like I was
6 dealing with it. I think that we had things kind of
7 under control a little bit as far as the fire went.

8 Q. How long did it take you to get things under
9 control with the fire?

10 A. Immediately.

11 Q. So the fire happened -- do you know what date
12 it was in January?

13 A. January 12th.

14 Q. So the fire happened on January 12th.

15 Did the kids get to school on January 12th?
16 You pick the kids up, and where do you take the kids
17 when you picked the kids up?

18 A. To our beach house.

19 Q. Okay. How long did you stay at your beach
20 house for?

21 A. I had already had plane tickets to go to Florida
22 on January 17th, so we stayed there for five nights. I
23 had spoken with the principal at school. I actually had
24 a meeting that I was supposed to be at later that night
25 on the HSA Board.

1 Q. SSA?

2 A. HSA. I had a prior obligation that I knew I
3 wasn't going to be able to attend to. I had taken care
4 of that. Everybody was notified that our home had
5 caught fire, and that we were going to be at our beach
6 house. I stayed there for four nights, and then flew to
7 Florida on the 17th.

8 Q. And you were by yourself?

9 A. No, I was with the kids. That was already
10 planned. Those tickets were already purchased. So
11 while we were gone that's when my husband got
12 everything, found the apartment to live in, contacted
13 the furniture rental people, spoke with our public
14 adjuster. Everything was moving allonge status quo as
15 far as what happens when your home has a disaster.

16 Q. So you get back from Florida four days later,
17 five days later, and you move into that apartment?

18 A. Yes.

19 Q. Okay. You said you notified everybody your
20 house was on fire.

21 Who is everybody?

22 A. The people that you need to like -- if your
23 house catches fire, you call your parents.

24 Q. Okay.

25 A. You tell your kids' school teachers.

1 Q. Did you notify any creditors that the house
2 burned down?

3 A. No, I don't notify creditors that my house
4 burned down.

5 Q. Wells Fargo has your first mortgage, correct?

6 A. Correct.

7 Q. You notified them that your house burned
8 down?

9 A. I really have no idea. I can ask my husband.
10 He knows.

11 Q. Page 5 of the mortgage, Exhibit 3, in that
12 big binder. Page 5, Exhibit 3, Tab 3.

13 A. Okay.

14 Q. Page 5 of that Exhibit.

15 Is that the mortgage, ma'am?

16 A. I don't know.

17 MR. HELBING: May I approach, Your Honor?

18 THE COURT: Sure.

19 MR. JACKO: Your Honor, I have to object.

20 There's no claim in this case associated with any
21 insurance regarding the fire. The only thing that Amos
22 has ever complained about is a failure to pay. It has
23 nothing to do with any of this. I've been patient --

24 THE COURT: Where are we going with this,
25 counsel?BY MR. JACKO:We're going, Your Honor -- there is

1 an obligation under the mortgage that any damage in
2 excess of \$1,000 you notify the lender to protect their
3 equity interest in it.

4 THE COURT: I'll allow it.

5 You can answer the question.

6 THE WITNESS: That's what I do, anyway. I
7 wouldn't notify Wells Fargo. My husband takes care of
8 those things.

9 THE COURT: So your husband takes care of
10 all business matters?

11 THE WITNESS: Correct.

12 THE COURT: And you allow him to do that in
13 your stead?

14 THE WITNESS: Absolutely.

15 THE COURT: Moving on.

16 Q. To the best of your knowledge, did your
17 husband notify the lenders of the fire?

18 A. Yes.

19 Q. At the time of the fire?

20 A. Yes. BY MR. JACKO: No further questions, Your
21 Honor.

22 THE COURT: Let me ask you a question.

23 Obviously, your husband does all the business
24 work and bill paying and everything related to the
25 house, upkeep, taking care of you and your children.

1 THE WITNESS: Yes.

2 THE COURT: And prior to -- I'm not talking
3 about the fire.

4 THE WITNESS: Right.

5 THE COURT: I'm talking about prior to your
6 husband having this telephone call --

7 THE WITNESS: Uh-huh.

8 THE COURT: -- was there any conduct or
9 anything that was going on in your husband's life or in
10 your life that caused him not to make payments?

11 THE WITNESS: No.

12 THE COURT: Since you're here and since you
13 exposed yourself as far as husband and wife privilege,
14 did he tell you that the mortgage was not being paid?

15 THE WITNESS: Our mortgage was always being
16 paid.

17 THE COURT: Or the interest on the equity
18 loan was not being paid?

19 THE WITNESS: They are two separate
20 matters.

21 THE COURT: I'm asking you about one.

22 THE WITNESS: No, no, no, no, no. No, I
23 had no idea.

24 THE COURT: You had no idea this was taking
25 place?

1 THE WITNESS: No.

2 THE COURT: Had he ever done anything like
3 that before to allow you to be exposed, you and your
4 children to be exposed to having your house foreclosed
5 on?

6 THE WITNESS: No.

7 THE COURT: So you find that out of
8 character?

9 THE WITNESS: Absolutely.

10 THE COURT: Do you know why he did that?

11 THE WITNESS: He didn't do anything.

12 THE COURT: That's what we know. He didn't
13 make any payments on the interest.

14 THE WITNESS: So our bank shut down. Our
15 bank closed on us.

16 THE COURT: But he was making payments on a
17 monthly basis.

18 THE WITNESS: He was making payments, yes.

19 THE COURT: He stopped making any payments.

20 THE WITNESS: No, he tried to make
21 payments. He contacted the FDIC and said, "Hey, look, I
22 got this mortgage with this bank" --

23 THE COURT: One time.

24 THE WITNESS: No, not one time.

25 THE COURT: He said once.

Gregg B. Wolfe, RPR, CM
215-460-1511

1 THE WITNESS: With the FDIC was where our
2 home equity loan was going.

3 THE COURT: Right.

4 THE WITNESS: They said to him, "Hold
5 tight."

6 THE COURT: "Hold tight."

7 THE WITNESS: "Somebody will get in touch
8 with you."

9 THE COURT: Okay.

10 THE WITNESS: He tried.

11 THE COURT: "He tried."

12 THE WITNESS: He paid.

13 THE COURT: "He paid."

14 THE WITNESS: He found out that they didn't
15 accept the money when we noticed that the money wasn't
16 taken out of our account. And then he called --

17 THE COURT: And so did he do anything else?

18 THE WITNESS: No, he called.

19 THE COURT: According to his testimony, he
20 didn't do anything else.

21 THE WITNESS: No, he said he called.

22 THE COURT: Called who?

23 THE WITNESS: The FDIC.

24 THE COURT: And what did they say?

25 THE WITNESS: "Hold tight."

1 THE COURT: And that's the same
2 conversation that you say they had before.

3 THE WITNESS: No. Yeah, only once.

4 THE COURT: So how long did he hold tight?

5 THE WITNESS: Until he heard from Amos.

6 THE COURT: Thank you.

7 You've answered my questions.

8 THE WITNESS: Okay.

9 THE COURT: Anything else, counsel?

10 REDIRECT EXAMINATION

11 BY MR. JACKO:

12 Q. Mrs. Tepper --

13 A. Yeah.

14 Q. -- do you know if you or your husband ever
15 had to make a payment to NOVA Bank before NOVA Bank
16 produced a monthly periodic statement?

17 A. Yes, wait. Say that again?

18 Q. All right.

19 A. Okay. Did you ask me if he ever paid NOVA Bank?

20 Q. Are you aware of whether you or your husband
21 ever paid money to NOVA Bank before it issued a
22 monthly periodic statement? Did you pay in advance
23 of the statement?

24 A. No. No.

25 Q. And --

Gregg B. Wolfe, RPR, CM
215-460-1511

1 THE COURT: But she doesn't know. She
2 doesn't pay bills.

3 THE WITNESS: No, but I do know that he was
4 going to NOVA Bank on a monthly basis, because we were
5 friends with all the tellers, and that he would make the
6 payment on the loan.

7 BY MR. JACKO:

8 Q. Okay. Would it be out of character for your
9 husband to pay anyone before they actually produced
10 the statement associated with the required payment?

11 A. Yes.

12 Q. Does your husband pay a restaurant bill
13 before they deliver the check?

14 A. No.

15 THE COURT: Anything else?

16 MR. JACKO: Okay. No, Your Honor.

17 THE COURT: All right, very good. You may
18 step down now, ma'am, and watch your step.

19 THE WITNESS: Thank you.

20 THE COURT: Any other testimony or
21 evidence?

22 MR. JACKO: Not from the plaintiff, Your
23 Honor.

24 THE COURT: Defense? BY MR. JACKO: No, Your
25 Honor.

1 THE COURT: Very well. You both rest?

2 MR. JACKO: Yes, Your Honor.BY MR.

3 JACKO:Yes, Your Honor.

4 MR. JACKO: Well, we have to admit
5 evidence, but yes.

6 THE COURT: Yes, move your evidence in,
7 whatever exhibits you feel that you need to admit for
8 the purposes of this record.

9 MR. JACKO: Your Honor, Plaintiffs move
10 into evidence Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 9, 10,
11 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 29, 30, 31, 32,
12 33, 34, 35, 36 and 37.

13 THE COURT: Any objections? They were all
14 testified to.BY MR. JACKO:I didn't have 36 and 37 on the
15 list.

16 MR. JACKO: Oh, I'm sorry, forgive me. I
17 didn't mean to say 37. Only 36.

18 THE COURT: They are on the additional
19 page, I thought.

20 MR. JACKO: But they are both pleadings in
21 the case, Your Honor.BY MR. JACKO:Your Honor, yes, we
22 object to Exhibits 13, 14, 15.

23 THE COURT: What's your basis for
24 objection?BY MR. JACKO:Outside the scope of the
25 pleadings.

1 THE COURT: Let me see what they are.
2 Overruled.

3 Anything else?BY MR. JACKO:We object -- no
4 other objection to those, Your Honor.

5 THE COURT: Very well. Those are the
6 plaintiff's exhibits.

7 And you have your portions of the deposition
8 that you're admitting, also.

9 MR. JACKO: They are in the book. You have
10 a book of all the exhibits. I assume you're going to
11 keep them.

12 THE COURT: We'll keep them for purposes of
13 ruling in this case ultimately.

14 And Defense exhibits?BY MR. JACKO:We move to
15 admit Numbers 11 and 12, which are the transcripts.
16 Nine and 10, which are the transcripts of James and
17 Alison Tepper that are attached.

18 MR. JACKO: No objection to those, Your
19 Honor.

20 THE COURT: They are admitted.BY MR.
21 JACKO:We have one motion request.

22 THE COURT: Sure.BY MR. JACKO:We request
23 that the count of the Complaint alleged in violation of
24 Act 91 Notice requirement be dismissed. It was alleged
25 that no notices were given to the plaintiff prior to the

1 Act 91 Notice in 2014.

2 THE COURT: Have you filed this motion in
3 writing, or is this more of a motion that you're
4 making?BY MR. JACKO:There was a motion in limine to
5 exclude evidence as irrelevant, but now there's a basis
6 for their motion here.

7 THE COURT: Okay.

8 MR. HELBING: The basis for the motion,
9 Your Honor, is that the Complaint averred that the
10 plaintiffs have not received notice prior to the Act 91
11 Notice of November 2014. However, the plaintiff's own
12 exhibits and acknowledgment from testimony acknowledges
13 receipt of correspondence dating back to 2013 from Amos
14 Financial, which would place it outside the one-year
15 statute of limitations.

16 THE COURT: Very well. That's your
17 position?BY MR. JACKO:Yes.

18 THE COURT: Very well.

19 Do you want to argue to the contrary at this
20 time or not?

21 MR. JACKO: Yes, Your Honor.

22 MR. HELBING: Yes.

23 THE COURT: I'm going to ask counsel to
24 submit any additional proposed findings of fact and
25 conclusions of law based on the testimony and evidence

1 presented here today.

2 If you don't have any, then I'll proceed on
3 what is before the Court at this time.

4 Yes, sir?

5 MR. JACKO: I'm a little confused. We've
6 already submitted findings of fact. You're saying like
7 a supplemental?

8 THE COURT: Yes, you presented proposed
9 findings of facts and conclusions of law. Now, in case
10 there was any testimony that took place today that was
11 outside of your proposed findings of fact and
12 conclusions of law. Maybe in reference to a question I
13 asked, or maybe in reference to a question you asked,
14 and you might want to supplement the record.

15 MR. JACKO: Yes, right.

16 THE COURT: I'm giving you --

17 MR. JACKO: I appreciate it.

18 THE COURT: -- the opportunity --

19 MR. JACKO: Thank you.

20 THE COURT: -- to do that.

21 MR. JACKO: I appreciate it. Thank you.

22 THE COURT: Was it that hard?

23 MR. JACKO: No, Your Honor.

24 THE COURT: You can have two weeks to
25 supplement the record. You have a daily copy prepared,

1 so you will have a copy of the transcript within a day
2 or so.

3 MR. JACKO: Okay.

4 THE COURT: You can attach your argument,
5 if you want to supplement your argument, also, to that.
6 I'll consider it once all the papers are filed, and I'll
7 issue a ruling. All right? BY MR. JACKO: Thank you, Your
8 Honor.

9 MR. JACKO: Your Honor, with respect to
10 that supplementation, it's entirely your preference.

11 Would you prefer an amended one that has
12 everything in it, or a supplement depending on how much
13 we want to --

14 THE COURT: Just a supplement. You don't
15 have to kill any more trees --

16 MR. JACKO: Yes.

17 THE COURT: -- or do anything like that.

18 MR. JACKO: Okay.

19 THE COURT: You just add a couple more
20 pages to it. All right?

21 MR. JACKO: As a practical matter,
22 Plaintiff's position on seeking its attorneys' fees, in
23 this case, obviously, we thought that if the Court
24 awards attorneys' fees, then there would be the
25 submission of the certifications, and we go back and

1 forth on that.

2 So that's why there's no evidence of that.

3 THE COURT: Right. You would have to prove
4 that. Yes. All right?

5 MR. JACKO: All right, yes.

6 THE COURT: If that's the case.

7 MR. JACKO: Thank you, Your Honor.

8 THE COURT: Well, thank you, counsel. It's
9 been a brief pleasure to have you in court today.

10 This matter is adjourned and good day.

11 (The Court adjourned the proceedings at
12 3:25 p.m.)

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I N D E X

WITNESS DIRECT CROSS REDIRECT RECROSS

JAMES TEPPER

By	Mr. Jacko	8		
By	Mr. Helbing		72	
By	Mr. Jacko			112

NAREG KOROGLOYAN

By	Mr. Jacko	114		
By	Mr. Helbing		136	
By	Mr. Jacko			148
By	Mr. Helbing			160

ALISON PRICE TEPPER

By	Mr. Jacko	163		
By	Mr. Helbing		170	
By	Mr. Jacko			182

C E R T I F I C A T I O N

I certify that the foregoing is a correct transcript from the record of the proceedings in the above-entitled matter.

Date_____
Gregg B. Wolfe, R.P.R., C.M.

<p>\$</p> <p>Case 2:15-cv-05834-JCJ Document 45 Filed 05/16/17 Page 190 of 229</p> <p>\$1,000 [2] 77/11 177/2</p> <p>\$1,017.92 [1] 61/3</p> <p>\$1,942 [1] 98/1</p> <p>\$12,000 [1] 95/1</p> <p>\$132,000 [1] 93/22</p> <p>\$132,000 is [1] 93/22</p> <p>\$132,450 [1] 68/20</p> <p>\$14,000 [2] 40/21 40/24</p> <p>\$14,455 [1] 145/12</p> <p>\$149,437.70 [1] 150/5</p> <p>\$15,000 [4] 42/6 51/15 54/15 58/10</p> <p>\$150 [1] 59/9</p> <p>\$150,000 [1] 11/10</p> <p>\$152,328 [2] 149/21 150/11</p> <p>\$152,328.56 [2] 144/21 145/11</p> <p>\$158,850 [2] 68/8 87/21</p> <p>\$2 [3] 97/13 97/13 97/14</p> <p>\$2 million [3] 97/13 97/13 97/14</p> <p>\$22,297.85 [1] 145/17</p> <p>\$22,445.99 [2] 41/25 156/1</p> <p>\$26,137 [2] 55/21 55/23</p> <p>\$26,270.41 [1] 145/19</p> <p>\$27,285.30 [1] 57/21</p> <p>\$28,390 [1] 55/24</p> <p>\$282.62 [1] 60/25</p> <p>\$29,962.50 [1] 107/15</p> <p>\$291,300 [2] 68/12 96/25</p> <p>\$3,000 [1] 52/25</p> <p>\$3,638.04 [1] 57/17</p> <p>\$3,972.56 [2] 145/3 145/18</p> <p>\$300,000 [1] 98/12</p> <p>\$38.85 [2] 49/8 49/12</p> <p>\$500 [2] 25/11 49/11</p> <p>\$550 [1] 75/11</p> <p>\$6,000 [1] 55/17</p> <p>\$6,839.55 [1] 144/22</p>	<p>12:55 p.m [1] 123/12</p> <p>12th [3] 145/11 174/15</p> <p>13 [17] 29/6 29/9 29/14 29/18 30/3 30/7 30/9 30/21 30/25 31/3 129/9 129/13 145/21 153/22 154/15 183/11 183/22</p> <p>1328 [1] 1/18</p> <p>14 [11] 12/18 31/8 31/10 31/15 31/18 33/7 129/10 129/19 153/22 183/11 183/22</p> <p>149 [1] 160/7</p> <p>15 [18] 33/17 33/20 33/25 34/8 37/5 69/12 107/6 107/7 122/8 122/25 132/12 141/18 141/21 149/8 152/18 153/22 183/11 183/22</p> <p>15-5834 [1] 1/7</p> <p>15-minute [1] 69/7</p> <p>150 [5] 95/18 96/21 96/22 96/25 97/1</p> <p>1511 [1] 1/21</p> <p>152 [1] 160/7</p> <p>158 [1] 92/4</p> <p>158,850 [1] 87/18</p> <p>15th [4] 107/14 114/10 120/8 147/23</p> <p>16 [6] 41/17 56/22 75/6 153/22 154/16 183/11</p> <p>16th [4] 1/15 25/25 78/15 111/15</p> <p>17 [10] 44/21 49/2 49/15 133/16 150/1 154/24 155/5 155/5 155/18 183/11</p> <p>173 [1] 159/6</p> <p>17th [2] 174/22 175/7</p> <p>18 [9] 55/12 56/22 72/15 99/12 148/5 153/22 154/16 170/22 183/11</p> <p>18.738 [2] 144/24 144/24</p> <p>18603 [1] 1/18</p> <p>19 [1] 148/5</p> <p>19102 [1] 1/16</p> <p>19106 [1] 1/21</p> <p>19130 [1] 7/6</p> <p>1:00 [2] 113/12 113/13</p> <p>1:55 p.m [1] 123/14</p> <p>1st [1] 98/24</p>	<p>142/7 142/13 143/21 144/1 144/5 144/9 144/25 144/25 145/4 145/4 145/5 145/14 145/21 145/23 152/17 157/14 157/20 158/7 185/13</p> <p>2014 [17] 19/7 39/12 41/21 60/13 78/2 105/14 105/15 105/16 108/23 108/24 155/21 156/5 156/9 156/18 157/19 185/1 185/11</p> <p>2015 [51] 19/9 19/10 44/10 44/23 45/11 45/19 46/1 48/3 48/9 48/22 48/23 49/3 50/4 56/8 63/25 68/12 68/17 84/1 86/1 86/3 86/6 87/23 88/5 88/14 89/10 89/23 90/1 96/25 97/24 100/25 107/14 108/25 109/6 109/7 109/8 115/3 115/9 115/13 115/15 115/20 115/24 141/7 143/11 143/15 143/22 144/1 145/14 145/23 146/10 150/5 169/16</p> <p>2016 [12] 67/13 68/8 84/23 87/12 87/25 88/6 88/13 97/24 98/24 109/3 109/4 114/10</p> <p>2017 [3] 1/9 57/22 70/3</p> <p>2018 [1] 88/15</p> <p>2019 [2] 11/2 36/16</p> <p>20th [27] 33/19 36/21 120/3 120/11 120/14 141/13 141/25 142/3 142/4 142/10 142/15 143/5 144/1 144/25 144/25 145/3 145/4 145/5 145/14 145/21 145/23 152/16 152/17 154/10 156/9 157/14 158/7</p> <p>21 [4] 5/7 114/12 130/10 183/11</p> <p>2111 [3] 7/5 7/18 162/22</p> <p>2111 Spring [1] 10/10</p> <p>212 [6] 142/19 142/21 142/22 144/4 145/1 145/2</p> <p>215 [1] 1/21</p> <p>21st [1] 57/22</p> <p>22 [4] 5/8 5/11 42/6 183/11</p> <p>222 [6] 8/4 8/6 67/19 108/9 108/22 163/4</p> <p>23rd [1] 104/16</p> <p>24 [1] 84/14</p> <p>240 [1] 60/23</p> <p>24th [2] 31/9 129/10</p> <p>25 percent [1] 88/1</p> <p>250 [1] 92/8</p> <p>26,270 [1] 160/4</p> <p>263rd [2] 142/16 142/20</p> <p>26th [9] 44/23 48/2 48/23 115/3 115/9 115/13 115/15 115/20 115/24</p> <p>28 [3] 54/15 99/10 107/15</p> <p>28-some-thousand [1] 54/5</p> <p>28th [2] 27/11 75/24</p> <p>29 [7] 56/1 56/2 67/12 85/25 87/15 122/5 183/11</p> <p>291 [3] 91/21 92/4 92/8</p> <p>291,300 [1] 86/16</p> <p>29th [2] 121/1 121/11</p> <p>2:00 [2] 113/14 123/10</p>
<p>'</p> <p>'15 [2] 19/10 83/24</p> <p>1</p> <p>1-1-2014 [1] 105/15</p> <p>10 [8] 22/1 22/9 22/23 23/13 98/11 106/20 183/10 184/16</p> <p>10-20-2013 [1] 121/19</p> <p>10-26-2015 [1] 48/22</p> <p>10-29 [1] 122/5</p> <p>100 [7] 95/23 95/24 96/13 96/19 96/20 96/21 143/18</p> <p>1099 [8] 67/13 86/3 86/5 86/10 90/2 96/1 96/24 97/6</p> <p>10:00 a.m [1] 2/2</p> <p>10:30 [1] 105/8</p> <p>11 [15] 13/18 23/17 25/23 26/5 26/8 26/15 26/18 26/22 78/15 111/4 111/7 111/8 130/11 183/11 184/15</p> <p>11:30 a.m [1] 69/14</p> <p>11:45 a.m [1] 69/16</p> <p>11th [1] 150/5</p> <p>12 [11] 27/5 27/17 28/14 56/21 75/25 127/12 130/11 136/20 159/7 183/11 184/15</p> <p>12-2 [1] 13/17</p> <p>12-9-15 [1] 107/7</p> <p>12.5 [2] 106/19 106/21</p> <p>1234 [1] 1/20</p> <p>12:00 [1] 106/2</p>	<p>2</p> <p>2-20-13 [1] 145/21</p> <p>2-20-2013 [1] 144/5</p> <p>2-28 [1] 107/15</p> <p>20 [10] 123/4 130/11 131/23 132/7 137/22 142/7 143/21 148/6 155/21 157/20</p> <p>20013 [1] 33/19</p> <p>2006 [1] 147/23</p> <p>2009 [3] 9/22 13/12 18/20</p> <p>2011 [1] 14/5</p> <p>2012 [16] 14/7 14/24 17/12 18/7 18/10 20/3 20/16 22/4 22/20 23/19 28/23 35/19 36/21 41/25 45/17 151/9</p> <p>2013 [50] 14/5 15/9 25/25 27/11 29/8 31/10 74/21 74/23 75/24 78/15 120/3 120/8 120/11 120/15 120/19 121/2 121/11 121/19 121/21 122/1 122/6 122/7 123/5 129/10 129/10 131/24 132/7 141/13 142/1 142/4 142/4</p>	<p>3</p> <p>30 [7] 2/19 51/15 52/20 68/11 85/25 106/12 183/11</p> <p>30th [3] 20/3 20/15 120/19</p> <p>30th of [2] 121/1 121/11</p>

<p>3</p> <p>31 [2] 69/25 183/11</p> <p>32 [3] 48/12 115/6 183/11</p> <p>33 [2] 60/10 183/12</p> <p>34 [3] 57/6 107/11 183/12</p> <p>34th [1] 1/15</p> <p>35 [4] 60/15 104/11 107/5 183/12</p> <p>36 [4] 70/9 183/12 183/14 183/17</p> <p>365 [2] 144/23 145/12</p> <p>37 [4] 70/12 183/12 183/14 183/17</p> <p>39.6 [2] 145/13 145/13</p> <p>3:00 [2] 105/5 105/7</p> <p>3:00 a.m.'s [1] 66/17</p> <p>3:00 p.m.'s [1] 66/17</p> <p>3:25 p.m [1] 188/12</p>	<p>8</p> <p>8-20-2013 [1] 121/21</p> <p>8th [10] 56/8 141/7 143/9 143/15 143/16 143/17 143/22 144/1 145/14 145/23</p>	<p>acceleration [16] 32/18 32/24 83/25 139/13 153/15 154/25 156/21 157/8 157/15 157/18 158/1 158/6 158/15 158/16 158/19</p> <p>accept [3] 5/7 137/6 180/15</p> <p>acceptable [2] 6/14 114/1</p> <p>accomplish [1] 53/22</p> <p>according [3] 32/10 32/11 180/19</p> <p>account [6] 23/25 31/5 32/24 33/2 126/7 180/16</p> <p>accrue [1] 56/19</p> <p>accrued [3] 30/3 31/19 34/12</p> <p>accruing [4] 30/11 32/4 34/22 34/25</p> <p>accumulating [1] 39/7</p> <p>accurate [1] 17/13</p> <p>acknowledge [2] 72/1 93/16</p> <p>acknowledged [4] 51/11 51/11 75/23 130/19</p> <p>acknowledges [1] 185/12</p> <p>acknowledging [1] 117/25</p> <p>acknowledgment [1] 185/12</p> <p>acquired [7] 74/20 76/8 117/11 125/11 125/18 127/2 150/23</p> <p>acquires [2] 78/25 135/16</p> <p>acquiring [2] 151/11 151/17</p> <p>Act [11] 41/10 41/14 42/15 44/13 45/6 45/16 155/20 159/14 184/24 185/1 185/10</p> <p>action [13] 1/3 3/18 3/23 26/23 43/7 44/16 47/6 49/22 57/2 57/14 57/25 70/2 164/20</p> <p>actions [1] 64/1</p> <p>active [1] 165/15</p> <p>activity [1] 70/6</p> <p>actual [4] 25/7 91/17 120/17 151/20</p> <p>actually [23] 23/17 26/19 35/24 55/25 58/16 61/4 63/10 65/9 76/11 85/25 94/7 120/24 121/10 130/4 131/6 132/7 141/6 149/11 152/2 154/16 171/21 174/23 182/9</p> <p>add [6] 4/16 4/19 5/3 53/20 145/17 187/19</p> <p>added [1] 152/12</p> <p>addition [2] 32/17 139/12</p> <p>additional [12] 35/1 100/12 100/14 132/8 132/15 132/24 152/25 157/6 157/13 157/24 183/18 185/24</p> <p>address [6] 7/4 7/8 25/15 25/15 67/4 101/14</p> <p>addressed [7] 20/8 22/9 26/5 26/7 27/17 27/20 81/8</p> <p>addressing [2] 73/13 73/18</p> <p>adjourned [2] 188/10 188/11</p> <p>adjuster [7] 61/21 62/17 63/2 63/8 63/11 63/20 175/14</p> <p>administration [1] 143/19</p> <p>admissible [1] 2/16</p> <p>admit [4] 75/5 183/4 183/7 184/15</p> <p>admitted [2] 74/23 162/9</p> <p>admitted.BY [1] 184/20</p> <p>admitting [1] 184/8</p> <p>advance [2] 88/8 181/22</p> <p>advancement [1] 79/1</p>
<p>4</p> <p>4-11 [1] 13/18</p> <p>4-7-15 [1] 107/6</p> <p>4-point [1] 138/22</p> <p>4.49 [9] 73/9 132/19 132/20 144/18 144/18 145/7 152/8 152/9 152/12</p> <p>4.49 percent [4] 144/6 144/22 151/2 151/19</p> <p>4.49-percent [1] 157/6</p> <p>4.90 [1] 13/18</p> <p>40 [1] 52/20</p> <p>40-some [1] 103/24</p> <p>45 [1] 89/13</p> <p>460-1511 [1] 1/21</p> <p>4:10 [1] 167/10</p>	<p>9</p> <p>9-20-2013 [1] 144/5</p> <p>9-point [1] 138/22</p> <p>9.49 [8] 32/11 132/11 132/21 132/25 145/7 145/22 152/25 158/11</p> <p>9.49 percent [6] 35/1 35/7 132/4 132/9 132/15 145/11</p> <p>90 [2] 106/14 112/18</p> <p>90-day [1] 112/20</p> <p>91 [10] 41/10 41/14 42/15 44/13 45/6 45/16 155/20 184/24 185/1 185/10</p> <p>911 [1] 172/17</p> <p>95 percent [4] 65/1 65/4 84/6 85/1</p> <p>98th [1] 143/17</p>	
<p>5</p> <p>5 percent [1] 35/6</p> <p>5 percentage [1] 32/20</p> <p>5-point [1] 74/5</p> <p>5.49 [11] 13/17 72/16 72/17 72/23 73/1 130/5 138/8 138/12 144/11 144/11 144/17</p> <p>5.9 [1] 72/14</p> <p>50 [4] 1/15 95/15 95/16 95/17</p> <p>50 percent [3] 8/2 8/7 84/9</p> <p>51st [2] 142/11 142/19</p> <p>52684702 [1] 120/4</p> <p>550 [3] 40/9 40/12 40/21</p> <p>560 [2] 40/8 40/9</p> <p>563 [2] 143/25 145/15</p> <p>5834 [1] 1/7</p> <p>5th [4] 22/4 22/20 29/8 129/10</p>	<p>A</p> <p>a.m [3] 2/2 69/14 69/16</p> <p>a.m.'s [1] 66/17</p> <p>aback [1] 50/11</p> <p>ability [3] 2/18 88/19 103/21</p> <p>able [20] 11/4 11/12 11/15 11/17 11/19 11/21 15/20 103/22 129/1 140/7 164/11 165/3 165/6 165/19 167/1 167/2 167/6 167/13 175/3</p> <p>about [96] 3/3 3/6 3/13 15/8 18/25 19/2 19/20 20/6 22/7 25/19 26/3 27/14 28/11 28/21 29/12 31/13 33/23 39/17 40/21 40/21 42/2 42/8 44/14 45/7 46/9 47/2 50/18 50/19 50/24 50/25 52/9 52/11 52/24 52/24 58/16 58/23 63/17 65/5 65/21 65/22 65/23 74/1 75/6 77/16 77/17 85/5 87/1 87/10 88/16 88/22 91/20 94/12 94/13 95/23 95/24 96/19 98/1 98/10 99/15 100/18 103/9 109/3 109/6 110/11 110/12 112/14 112/20 112/21 121/14 122/10 124/12 130/21 131/7 131/23 134/14 135/3 140/22 147/5 153/25 158/20 158/24 159/9 160/19 164/5 164/7 168/10 168/20 168/21 168/22 171/4 171/15 173/17 176/22 178/3 178/5 178/21</p> <p>above [2] 138/8 229/20</p> <p>above-entitled [1] 229/20</p> <p>absence [2] 93/10 93/17</p> <p>absolutely [10] 57/4 87/13 107/19 113/21 131/2 131/4 146/3 159/2 177/14 179/9</p> <p>abused [1] 38/10</p> <p>accelerate [6] 26/19 35/11 49/20 112/10 153/3 154/9</p> <p>accelerated [8] 31/23 34/16 42/13 49/16 56/16 152/14 154/6 154/19</p> <p>accelerating [5] 152/20 153/24 156/12 156/15 156/17</p>	
<p>6</p> <p>601 [1] 1/20</p> <p>612 [1] 40/21</p> <p>65 [1] 148/4</p> <p>6th [8] 43/12 45/11 45/18 45/24 45/25 50/4 63/25 82/23</p>		
<p>7</p> <p>70 [2] 105/20 106/10</p> <p>700-something [1] 54/5</p> <p>741 [1] 56/2</p> <p>75 percent [3] 84/11 84/20 85/5</p> <p>7th [1] 70/2</p>		

<p>A</p> <p>advances [3] 20/22 23/1 78/20</p> <p>adverse [1] 63/23</p> <p>advice [1] 104/2</p> <p>advises [2] 111/18 111/23</p> <p>advising [1] 112/15</p> <p>affairs [1] 82/9</p> <p>affected [1] 64/6</p> <p>affects [1] 88/12</p> <p>after [37] 19/12 23/18 23/21 28/23 28/25 40/25 42/15 43/13 44/6 45/10 45/12 54/3 54/25 55/2 55/4 55/23 58/15 58/17 65/17 78/5 83/18 94/20 94/23 108/14 108/20 109/20 110/9 112/21 119/19 122/1 122/10 123/3 157/19 164/4 164/24 167/12 168/7</p> <p>afternoon [3] 105/5 106/2 166/24</p> <p>Afterwards [1] 9/3</p> <p>again [16] 16/4 22/22 34/6 37/4 51/2 53/15 102/9 110/17 120/12 122/21 136/6 145/12 147/1 155/1 160/7 181/17</p> <p>against [10] 28/21 43/7 44/12 44/22 49/23 54/21 57/2 57/14 70/2 133/17</p> <p>agent [1] 63/5</p> <p>ago [4] 4/2 47/12 65/2 158/21</p> <p>agree [39] 21/1 33/4 71/1 71/9 112/9 115/1 115/16 118/4 118/10 118/13 119/12 120/1 120/11 120/13 120/17 121/2 121/9 121/18 122/9 123/1 124/9 124/11 125/16 127/6 128/5 128/14 129/3 131/20 132/1 133/22 134/18 146/19 146/22 149/2 149/22 150/3 153/17 159/10 161/2</p> <p>agreed [2] 74/3 99/20</p> <p>agreement [41] 9/15 10/13 10/16 15/23 20/15 20/23 22/20 23/2 32/7 32/12 32/19 35/13 35/14 35/15 40/1 70/15 70/15 71/1 71/3 71/5 74/3 74/4 76/18 80/24 117/11 126/20 127/9 128/15 134/14 135/24 136/1 136/10 136/13 139/4 139/15 151/14 151/25 156/23 161/2 161/11 163/19</p> <p>agreements [5] 80/7 81/1 81/12 81/19 161/3</p> <p>ahead [3] 80/15 89/5 169/11</p> <p>Aid [1] 104/14</p> <p>air [10] 8/23 66/24 89/18 92/21 92/22 94/16 97/4 97/9 97/11 97/12</p> <p>airing [16] 90/13 91/7 93/24 94/10 94/11 94/14 97/7 97/8 98/1 98/3 98/6 98/6 98/7 98/11 98/14 110/9</p> <p>airings [16] 8/24 9/1 64/5 89/21 89/23 90/6 90/8 92/14 92/14 96/4 96/13 96/17 96/18 97/1 98/9 98/10</p> <p>airs [2] 89/9 110/5</p> <p>airtime [2] 88/25 90/22</p>	<p>Alan [2] 82/22 82/24</p> <p>Alcohol [1] 107/13</p> <p>ALISON [11] 1/4 7/14 7/17 7/20 20/8 22/10 26/6 27/18 28/18 162/14 184/17</p> <p>Alison's [1] 37/18</p> <p>all [63] 2/6 2/19 6/2 6/4 19/22 32/25 36/5 36/9 40/9 40/20 40/21 42/6 51/15 51/23 55/23 59/23 62/2 64/15 65/6 66/18 70/5 73/16 74/12 77/21 80/21 88/7 89/12 91/11 95/20 101/3 106/3 110/11 110/18 112/3 112/4 112/16 117/6 119/2 120/5 125/13 128/9 135/6 138/9 139/12 147/17 151/8 157/24 164/18 164/23 165/21 168/17 177/10 177/23 181/18 182/5 182/17 183/13 184/10 187/6 187/7 187/20 188/4 188/5</p> <p>alleged [5] 30/10 32/4 49/6 184/23 184/24</p> <p>allegedly [2] 34/22 49/3</p> <p>allonge [8] 117/23 118/1 118/10 127/16 131/17 146/4 160/18 175/14</p> <p>allow [6] 56/5 120/22 137/15 177/4 177/12 179/3</p> <p>allowed [4] 2/16 32/11 116/19 158/17</p> <p>Allstate [1] 63/4</p> <p>almost [11] 13/18 17/2 19/23 36/8 39/19 40/17 51/5 53/4 58/12 92/4 143/18</p> <p>along [2] 6/6 54/5</p> <p>already [9] 4/12 76/9 93/2 93/2 100/24 174/21 175/9 175/10 186/6</p> <p>also [30] 9/23 10/16 21/3 23/7 35/12 59/24 74/15 75/10 77/6 78/8 87/12 97/9 97/9 103/12 112/2 114/23 117/10 117/23 118/13 118/20 120/11 124/20 127/6 129/25 148/22 153/8 159/11 161/9 184/8 187/5</p> <p>although [1] 120/10</p> <p>always [4] 93/18 144/16 166/10 178/15</p> <p>am [10] 8/21 52/22 66/22 72/5 113/24 114/25 117/25 129/12 153/3 157/4</p> <p>Ambien [25] 58/19 59/19 60/4 60/6 60/16 60/19 60/23 61/2 61/5 61/7 67/4 83/18 84/2 102/12 102/21 102/21 102/25 103/8 104/3 104/3 105/2 105/7 106/17 107/2 107/5</p> <p>Ambiens [2] 104/23 104/24</p> <p>amended [1] 187/11</p> <p>AMOS [137] 1/7 5/12 15/2 17/20 20/1 22/2 25/23 27/2 27/9 27/11 28/8 28/12 28/25 29/7 29/15 29/15 29/16 29/18 30/19 30/23 30/25 31/8 31/15 33/12 33/15 33/18 33/25 34/8 34/24 35/5 37/9 37/12 37/24 39/2 41/11 43/6 44/12 44/18 44/22 45/23 45/23 46/24 48/1 48/8 48/19 49/5 49/19 54/21 55/2</p>	<p>56/9 56/23 57/2 57/14 68/17 68/2 70/7 70/10 75/14 76/6 76/8 78/9 79/16 79/18</p> <p>113/22 114/1 114/7 114/17 115/1 115/7 115/12 116/15 117/3 117/8 117/10 117/18 118/5 118/6 118/14 118/21 122/1 122/12 123/3 124/9 124/25 125/6 125/11 125/12 125/16 125/18 125/24 126/10 126/14 127/2 127/4 127/7 127/7 127/16 127/20 127/23 128/10 129/11 129/15 131/21 131/22 132/3 132/6 133/17 134/21 135/15 135/16 135/19 135/22 147/16 149/11 150/11 150/23 151/11 151/17 151/23 152/3 152/13 152/18 152/22 153/14 153/21 153/23 154/8 154/25 156/12 157/11 157/12 157/20 157/23 158/8 176/21 181/5 185/13</p> <p>Amos Financial [11] 5/12 15/2 27/2 28/25 29/7 29/16 30/19 46/24 48/19 74/20 75/14</p> <p>Amos' [11] 28/13 45/20 63/25 74/9 114/3 114/23 118/14 118/21 118/24 119/22 156/2</p> <p>amount [30] 15/16 17/3 21/22 22/16 25/10 26/16 30/11 32/4 32/8 34/22 41/25 42/4 42/10 49/6 55/15 55/16 56/12 57/12 57/17 68/22 75/8 75/10 140/7 149/20 149/22 153/9 153/10 155/1 156/1 174/2</p> <p>amount of [1] 25/10</p> <p>amounts [3] 16/18 41/24 134/22</p> <p>an [70] 3/20 5/12 5/17 5/25 7/25 8/17 9/18 13/15 13/21 17/13 24/20 25/10 30/18 33/12 34/25 36/17 37/9 38/5 38/13 41/10 41/14 44/4 49/12 56/10 58/21 62/17 63/2 63/8 63/11 66/6 66/7 66/10 75/7 75/10 85/10 90/13 96/17 98/10 102/25 103/7 105/7 119/7 126/6 132/8 132/14 132/24 132/25 134/7 137/10 138/16 147/6 152/24 155/1 156/20 157/13 157/24 158/2 158/3 158/18 158/19 163/4 165/20 167/16 167/23 171/17 171/18 173/19 174/2 177/1 187/11</p> <p>analytics [1] 94/17</p> <p>and [541] 1/3 2/14 2/18 3/9 3/14 3/24 3/25 4/9 4/9 4/10 5/7 5/8 6/11 6/24 7/3 7/9 7/10 7/11 7/11 7/17 7/23 7/25 8/7 8/13 8/15 8/19 9/11 9/11 9/20 10/5 10/9 10/13 10/14 10/16 10/25 11/4 11/8 12/10 12/13 12/14 13/14 17/12 17/12 18/17 19/13 19/14 20/8 20/19 21/7 21/9 21/16 22/9 22/14 22/23 24/2 24/3 24/10 24/18 25/8 25/19 26/6 26/19 27/11 27/18 28/5 28/12 28/12 28/16 28/19 29/15 31/23</p>
---	---	--

A	Case 2:15-cv-05834-JCJ Document 45 Filed 05/16/17	Page 193 of 229
<p>and... [470] 32/18 34/16</p> <p>35/11 35/12 35/24 36/1 36/1 36/5 37/17 37/19 38/8 38/14 38/14 38/18 39/6 39/22 40/1 40/25 41/3 41/20 42/1 42/6 42/6 42/13 42/18 43/9 44/21 44/22 45/1 45/9 45/22 45/23 46/6 46/12 46/13 46/18 46/19 46/19 46/24 47/8 47/8 47/18 47/24 48/2 49/16 49/19 50/6 50/8 50/10 50/20 50/21 50/22 50/22 50/23 51/4 51/15 51/22 51/23 52/11 52/13 52/20 52/20 52/21 52/22 53/22 54/3 55/6 55/9 55/14 55/23 56/16 56/22 57/10 57/12 57/20 57/25 57/25 58/10 58/11 58/15 59/8 59/10 59/18 60/19 61/20 61/20 61/24 62/5 62/9 63/5 63/14 63/18 63/22 63/25 64/6 64/16 64/19 65/5 65/7 65/8 65/9 65/9 65/20 66/2 66/9 66/11 66/14 66/15 66/16 66/19 67/1 67/3 67/8 67/17 67/19 67/21 68/1 68/10 68/10 68/16 68/19 68/22 69/8 69/25 70/10 70/14 72/4 72/22 72/25 74/4 74/8 75/6 77/12 77/19 78/5 79/7 79/9 79/14 79/16 79/19 79/23 80/17 81/6 81/8 81/12 81/12 82/5 82/20 83/1 83/2 83/21 84/17 84/25 87/3 87/16 87/25 88/20 89/6 89/13 89/18 90/10 90/12 90/14 90/15 90/15 90/15 90/23 91/7 91/14 92/1 92/8 92/18 92/21 93/3 93/14 93/19 93/22 94/20 94/20 94/24 94/25 95/4 95/11 96/10 96/24 96/25 97/1 97/10 97/12 97/14 97/14 97/24 98/1 98/11 98/15 98/16 99/20 99/22 99/23 100/17 100/18 101/2 101/8 101/16 101/21 101/25 101/25 102/12 102/21 102/25 103/2 103/7 103/8 103/9 103/9 103/15 103/22 103/24 104/3 104/6 104/10 105/8 105/18 106/2 106/4 106/4 106/24 107/6 107/12 108/12 109/12 109/17 109/19 109/20 109/20 110/8 110/17 111/4 112/1 112/2 112/4 112/4 112/6 112/10 112/13 112/15 113/13 113/20 116/5 116/16 116/21 117/8 117/10 117/11 117/14 117/15 117/18 118/4 118/13 118/15 118/17 118/20 118/21 119/2 119/19 119/22 119/24 120/1 120/3 120/7 122/25 124/7 124/11 124/20 125/3 125/6 126/24 127/2 127/6 127/6 127/11 127/15 127/19 127/22 128/7 128/14 129/9 129/10 129/15 129/18 129/25 130/11 130/11 130/17 131/5 132/13 133/11 133/16 134/18 134/20</p>	<p>135/16 135/17 135/17 137/11 137/15 139/13 139/15 140/12 140/3 140/3 140/23 141/1 141/3 142/12 142/20 143/22 144/1 144/5 144/25 145/2 145/4 145/14 145/16 145/18 145/21 145/23 146/9 146/11 146/12 146/14 146/14 146/16 148/5 148/5 148/22 149/6 149/11 149/19 149/23 150/10 150/20 150/25 151/4 151/12 151/23 151/25 152/13 152/20 152/23 153/3 153/8 153/8 153/9 153/15 153/22 153/24 154/6 154/9 154/14 154/16 154/18 154/25 155/11 155/15 155/19 155/25 156/5 156/12 156/23 157/8 157/10 157/13 157/15 157/18 158/1 158/6 158/14 158/15 158/18 158/25 159/1 159/13 159/24 160/20 161/1 162/3 162/11 162/20 162/22 163/11 163/17 163/20 164/4 164/16 164/17 165/5 165/8 165/12 165/21 166/3 166/4 166/12 166/14 166/23 166/25 167/1 167/2 167/9 167/10 167/21 167/23 167/25 168/4 168/20 168/22 168/22 168/23 168/24 169/1 169/11 169/25 170/8 170/10 170/24 171/22 172/3 172/17 172/18 173/5 173/8 173/10 173/18 174/16 175/5 175/6 175/8 175/17 177/12 177/24 177/24 177/25 178/2 178/12 178/13 179/3 179/21 180/16 180/17 180/24 181/1 181/25 182/5 182/18 183/12 183/14 184/7 184/14 184/15 184/16 184/16 185/12 185/24 185/25 186/9 186/11 186/14 187/6 187/25 187/25 188/10</p> <p>angle [1] 91/5 angles [2] 9/2 90/18 anniversary [2] 91/25 92/2 annual [8] 32/19 32/20 32/21 32/23 72/13 139/14 139/16 139/16 another [8] 28/3 41/4 46/23 60/19 80/1 113/8 158/11 172/23 answer [22] 38/9 74/8 100/2 100/11 116/8 116/12 116/21 122/14 122/20 130/13 133/6 134/6 134/7 139/4 143/24 148/14 148/22 148/25 150/19 160/17 173/20 177/5 answered [1] 181/7 answering [2] 131/10 150/17 anxiety [4] 67/8 173/24 173/25 174/2 any [129] 3/5 5/13 5/20 8/1 13/10 15/18 15/25 16/19 16/22 18/3 20/5 20/10 20/14 20/21 20/22 21/22 22/6 22/12 22/16 22/19 22/24 22/25 26/2 26/15 26/22 27/13 28/14 28/20 28/23 29/1 29/11 30/2 30/3 30/6 30/14 31/12 31/18 31/19 32/8 32/9 33/22 34/11 34/12 35/10 36/23 37/23 38/6</p>	<p>38/23 39/7 42/7 44/11 45/19 46/25 49/1 51/18 54/21 55/1 56/22 57/1 58/1 61/13 62/2 62/2 63/23 64/12 67/4 67/7 67/11 71/3 71/4 71/5 79/1 79/5 79/6 89/3 95/14 99/2 99/16 100/22 108/12 110/24 112/4 112/6 113/4 115/2 115/6 115/11 125/12 125/17 125/23 128/16 131/15 135/3 143/2 146/22 146/24 147/16 148/23 153/15 153/20 154/7 158/1 159/19 159/20 161/16 161/19 161/22 162/6 163/7 167/5 167/18 168/17 171/20 173/14 173/23 174/3 176/1 176/20 176/23 177/1 178/8 179/13 179/19 182/20 183/13 185/24 186/2 186/10 187/15</p> <p>anyone [3] 7/7 49/5 182/9 anyone's [1] 27/22 anything [33] 3/10 4/13 15/22 20/25 23/4 23/19 28/7 28/21 30/9 30/17 30/21 39/1 42/16 51/20 53/14 53/20 58/23 66/7 82/1 87/2 88/19 97/20 109/2 163/9 178/9 179/2 179/11 180/17 180/20 181/9 182/15 184/3 187/17</p> <p>anyway [2] 75/2 177/6 anywhere [8] 4/3 29/22 33/11 37/8 56/9 70/16 161/22 164/11</p> <p>apartment [7] 171/17 171/18 171/21 171/24 172/2 175/12 175/17</p> <p>apologies [3] 113/18 122/23 159/5</p> <p>apologize [10] 6/20 43/18 55/25 56/7 60/9 73/14 130/2 157/11 160/11 162/12</p> <p>apparently [1] 4/3 appeals [1] 58/1 appear [3] 27/22 33/5 37/6 APPEARANCES [1] 1/12 appeared [1] 159/24 appears [2] 109/9 120/18 Appendix [1] 155/5 applicable [7] 16/15 32/20 32/22 112/4 139/16 139/18 159/10</p> <p>apply [2] 127/4 127/7 applying [1] 35/10 appointment [1] 59/16 appreciate [2] 186/17 186/21 approach [2] 98/19 176/17 appropriate [1] 2/15 approximate [1] 16/25 approximately [7] 39/10 40/4 40/7 81/11 81/16 112/18 123/3</p> <p>APR [3] 13/17 13/18 13/19 APRIL [26] 1/9 43/17 43/18 43/18 44/10 45/11 45/18 45/25 50/4 56/8 61/23 63/25 74/21 74/23 83/19 120/8 141/7 143/9 143/15 143/16 143/17 143/22 144/1 145/14 145/23 146/10</p> <p>April 15th [1] 120/8 April 2015 [1] 44/10 April 6th [5] 45/11 45/18</p>

A	143/8 146/16 147/1 147/7 147/7 148/2 148/2 148/2 149/24 150/5 150/8 150/9 151/9 152/2 152/25 153/3 153/10 156/1 156/17 157/13 157/15 157/19 158/7 160/8 160/9 165/15 165/15 166/14 166/14 169/9 169/9 169/10 171/10 171/11 171/16 173/13 173/22 174/3 174/7 174/7 175/14 175/15 178/13 178/13 185/5 187/21 ascertain [1] 75/7 ask [34] 5/6 5/17 12/1 18/17 20/19 22/23 24/20 34/6 39/21 47/2 71/17 74/2 78/14 79/16 80/1 80/3 88/3 93/24 99/6 99/9 104/11 116/20 141/2 141/6 147/9 153/10 160/14 161/20 169/8 169/11 176/9 177/22 181/19 185/23 asked [31] 36/25 44/2 46/13 53/6 53/6 53/10 59/6 61/22 74/1 74/2 82/21 99/1 99/18 116/7 130/11 130/21 131/7 131/12 134/2 135/22 137/14 137/25 138/14 147/24 148/5 148/11 154/12 156/24 160/19 186/13 186/13 asking [16] 39/17 44/14 76/14 76/18 110/16 111/19 120/23 122/18 128/9 128/21 146/11 148/8 148/18 148/19 154/4 178/21 asks [3] 73/17 134/25 156/20 asleep [3] 59/22 101/21 168/3 assets [2] 109/18 112/16 assigned [1] 31/4 assignment [10] 27/6 78/12 118/17 119/13 121/15 121/17 121/24 122/9 123/1 127/12 assist [2] 142/9 172/14 associate [1] 91/2 associated [10] 22/16 26/16 57/13 57/25 61/13 117/12 125/17 126/8 176/20 182/10 assume [5] 55/6 77/24 124/5 143/20 184/10 assumed [1] 38/4 assumption [1] 158/3 at [180] 2/2 3/21 6/7 7/7 7/18 7/21 10/12 12/12 12/24 13/6 14/9 15/18 15/24 16/4 17/23 18/9 19/16 19/25 20/6 21/7 22/7 23/21 25/22 27/14 27/25 28/23 29/12 30/13 31/13 32/1 32/13 32/13 33/23 34/19 35/3 35/12 35/24 36/9 37/4 38/21 43/4 44/10 45/14 46/2 48/1 48/11 55/20 56/9 58/3 59/1 60/9 60/15 61/18 61/19 62/2 64/15 64/18 65/6 66/23 67/12 68/1 68/10 69/14 69/15 69/24 70/8 70/12 70/21 71/17 71/21 73/23 76/20 77/10 78/14 78/18 81/4 84/8 84/18 84/21 85/24 86/14 89/22 91/23 92/3 94/18 96/23 98/11 98/17 99/12 99/12 100/25 102/21 102/23 102/24 104/11 105/5	105/6 105/6 105/7 105/14 105/2 106/3 106/7 106/7 107/6 108/11 111/3 111/15 112/13 112/21 113/13 113/14 114/7 114/12 114/22 115/5 118/5 119/11 119/12 119/18 119/24 120/16 122/8 122/25 123/12 123/14 124/23 125/11 125/13 126/3 126/19 128/14 129/9 129/12 129/13 130/10 130/11 131/21 132/12 133/15 136/19 136/24 137/22 139/2 139/3 139/5 144/20 145/6 147/4 147/17 148/8 149/6 152/15 152/16 155/12 156/24 158/16 160/22 161/16 161/19 162/9 164/18 164/23 165/21 166/4 166/22 166/23 166/25 167/7 167/7 169/16 173/7 174/19 174/23 174/24 175/5 177/19 185/19 186/3 188/11 attach [1] 187/4 attached [7] 133/23 133/25 134/7 134/19 136/16 136/17 184/17 attempt [1] 75/13 attempting [2] 31/1 58/9 attend [1] 175/3 attending [1] 64/7 attention [18] 17/4 20/18 22/22 23/16 27/4 29/5 34/3 41/16 43/19 44/20 45/2 55/11 55/14 57/5 111/4 127/11 141/18 141/20 attitude [1] 164/24 attorney [17] 30/18 33/12 37/9 44/5 56/10 58/21 73/12 83/6 118/7 118/15 118/21 118/22 119/7 120/2 121/6 121/20 132/25 attorney-client [1] 83/6 Attorney-In-Fact [3] 118/7 118/15 118/22 attorneys [6] 43/22 43/23 44/7 114/17 114/20 133/4 attorneys' [4] 3/3 57/24 187/22 187/24 attribute [3] 67/11 68/14 68/23 August [12] 43/12 43/15 43/16 83/23 83/24 84/1 84/3 84/4 108/19 120/3 120/11 120/14 August 20th [3] 120/3 120/11 120/14 August 6th [1] 43/12 August of [1] 83/24 auto [4] 97/15 97/18 97/21 97/21 available [3] 48/6 48/15 125/6 Avenue [1] 1/18 average [3] 40/7 96/19 97/3 averaged [1] 95/12 averred [1] 185/9 awards [1] 187/24 aware [7] 72/18 72/19 72/22 137/4 164/8 173/8 181/20 away [8] 50/20 58/10 65/9 85/15 85/16 89/18 164/11 164/13 awhile [1] 85/6
----------	--	---

Case 2:15-cv-05834-JCJ Document 45 Filed 05/16/17 Page 195 of 229		
back [34] 3/15 4/22 15/11 19/14 24/17 33/7 46/19 52/14 61/17 61/20 61/22 61/24 63/9 63/21 64/24 70/14 79/14 89/20 95/9 98/5 101/8 123/10 125/22 147/23 150/20 156/22 159/3 166/15 168/5 168/14 171/23 175/16 185/13 187/25	became [4] 28/25 59/3 59/14 165/8 because [34] 3/6 3/10 3/17 3/22 35/23 39/7 42/3 59/22 65/15 75/17 79/2 84/13 84/17 86/23 88/3 88/7 90/24 92/22 95/1 99/16 103/21 105/5 105/9 108/12 122/21 145/15 145/25 156/13 166/20 166/22 169/25 170/7 170/19 182/4	bigger [2] 106/23 106/24 111/6 bill [6] 55/9 25/21 65/22 117/18 177/24 182/12 billed [1] 107/14 billing [2] 57/9 71/10 bills [5] 65/20 84/20 107/18 107/22 182/2 binder [5] 71/21 99/7 104/12 136/18 176/12 binders [1] 98/19 bit [7] 23/25 53/17 65/3 83/17 101/8 131/11 174/7 blanket [1] 81/15 block [3] 30/13 30/15 119/24 blocks [2] 21/7 27/23 blown [2] 164/10 164/13 Board [1] 174/25 boarding [1] 124/8 body [1] 95/4 Boiler [1] 51/5 book [5] 6/24 111/7 111/11 184/9 184/10 books [1] 6/23 borrow [1] 28/21 borrower [1] 159/1 borrowers [2] 21/13 21/15 both [9] 7/11 19/2 61/6 102/21 102/24 103/3 165/20 183/1 183/20 bottle [2] 103/18 105/23 bottles [1] 167/19 bottom [6] 46/6 70/22 99/12 124/18 132/13 170/2 bought [4] 24/16 38/18 79/11 117/8 box [4] 6/11 86/14 87/16 87/21 break [3] 69/8 106/22 123/9 breakdown [2] 54/6 149/13 breakfast [1] 82/25 BRETT [3] 6/13 7/11 167/7 Brian [4] 118/6 118/14 118/21 119/20 Brian C [2] 118/21 119/20 brief [4] 2/25 4/6 69/2 188/9 briefly [2] 4/2 146/8 bring [3] 8/21 108/22 155/23 brother [5] 58/21 58/24 82/20 82/21 82/23 brought [3] 108/24 109/4 153/21 builder [1] 63/22 built [4] 19/14 63/14 63/15 106/15 bullied [2] 65/16 65/18 burden [1] 167/5 Bureau [2] 48/7 48/16 burned [4] 171/16 176/2 176/4 176/7 burning [2] 19/13 170/9 business [31] 7/22 35/21 35/22 48/3 48/8 54/17 64/9 79/14 80/5 80/19 86/25 87/4 87/10 89/3 89/4 89/4 90/4 90/6 90/12 98/15 101/5 101/13 110/21 115/2 135/14 135/19 148/1 151/9 163/12 177/10 177/23 businesses [2] 67/18 86/24 busy [3] 84/13 93/2 166/25 but [109] 3/12 4/23 15/7 25/4 29/20 36/2 36/20 37/20
bad [3] 46/3 103/16 104/1 balance [7] 15/19 106/15 112/5 144/20 145/9 150/4 150/10 ballpark [2] 146/1 146/2 bank [58] 7/23 9/15 10/14 10/17 11/11 11/24 12/4 12/15 12/20 12/22 13/3 13/7 13/11 13/22 14/2 14/9 14/10 14/23 15/15 15/25 17/1 18/2 23/19 24/3 24/15 28/3 28/6 28/22 29/3 36/5 40/14 73/21 73/22 79/5 79/6 79/6 79/12 82/6 112/16 112/19 117/5 126/7 126/24 127/8 144/11 144/13 144/16 150/24 151/8 151/9 179/14 179/15 179/22 181/15 181/15 181/19 181/21 182/4 banking [2] 12/20 144/15 banks [1] 144/12 barely [1] 172/21 baseball [2] 59/3 65/12 based [3] 98/1 123/6 185/25 basement [1] 173/2 basic [1] 19/6 basically [4] 42/18 87/5 89/5 105/3 basis [16] 12/22 13/19 16/2 17/2 73/4 73/19 77/15 86/10 149/15 166/21 166/22 179/17 182/4 183/23 185/5 185/8 bat [1] 50/7 Bates [2] 155/4 155/6 be [98] 2/16 3/19 3/21 6/11 6/14 6/20 12/1 13/20 15/20 17/13 24/10 24/16 26/9 28/3 28/4 29/19 31/16 34/1 34/9 35/4 38/17 42/25 45/1 50/20 55/5 55/7 59/23 63/15 69/5 69/12 70/17 72/14 76/11 76/21 77/11 81/7 85/12 85/13 89/1 89/10 89/12 89/14 90/25 91/4 91/11 91/19 92/20 92/21 93/18 97/19 97/20 97/23 101/8 103/22 105/6 106/3 115/25 120/18 121/19 122/17 122/17 123/7 123/10 123/15 130/22 131/22 132/14 132/16 132/17 132/23 133/1 133/25 140/16 141/7 142/4 144/3 145/24 146/2 152/23 156/1 156/11 157/7 165/11 166/4 166/5 166/19 166/22 166/23 167/9 167/21 174/24 175/3 175/5 179/3 179/4 182/8 184/24 187/24 beach [3] 174/18 174/19 175/5 bear [1] 147/11 beat [1] 108/21	bed [6] 103/7 103/20 103/22 105/4 106/1 106/5 been [35] 2/18 3/22 19/20 25/10 36/16 44/11 47/6 51/12 54/13 58/8 59/5 60/3 61/19 64/18 65/16 72/22 79/23 117/5 119/2 121/14 125/10 134/20 154/10 154/13 160/12 162/17 165/6 165/15 165/19 165/25 168/16 168/25 169/1 176/23 188/9 beer [1] 103/17 before [24] 1/10 3/6 17/17 23/23 35/20 51/10 86/18 94/20 100/5 103/24 115/21 125/13 135/13 138/15 147/16 166/16 172/6 179/3 181/2 181/15 181/21 182/9 182/13 186/3 began [1] 2/1 begin [2] 29/1 112/21 beginning [7] 13/6 84/21 85/6 87/25 112/18 130/7 162/10 behalf [5] 70/10 78/21 113/8 119/25 162/6 behind [2] 101/7 155/20 being [29] 6/18 8/25 15/14 44/15 53/17 65/24 88/11 92/12 99/15 100/5 105/12 123/17 130/5 132/8 133/10 134/15 144/9 144/18 147/24 151/19 153/15 159/9 166/25 167/16 171/21 172/1 178/14 178/15 178/18 believe [17] 10/20 17/13 23/23 24/2 25/14 35/21 42/14 49/24 65/9 70/19 95/11 114/4 130/17 136/17 138/4 138/5 163/22 believed [2] 58/14 101/2 believes [1] 113/2 below [2] 72/22 73/1 benefit [1] 152/1 Berwick [1] 1/18 Berwyn [1] 25/15 beside [1] 164/10 besides [4] 99/3 99/15 100/21 107/24 best [13] 8/22 9/5 70/17 71/2 71/11 90/17 113/19 121/19 131/6 134/15 134/21 161/3 177/16 better [3] 63/22 65/15 165/5 between [16] 77/19 84/19 102/12 107/6 128/6 143/21 143/25 144/4 144/24 145/3 145/13 145/16 158/15 158/25 159/23 168/23 beyond [1] 46/25 big [6] 53/8 74/15 93/8 102/13 104/12 176/12	

<p>B</p> <p>but... [101] 41/13 43/14</p> <p>43/16 44/14 47/4 56/2 58/21</p> <p>61/20 63/3 65/3 66/10 74/20</p> <p>75/2 75/13 77/21 77/25 78/6</p> <p>79/13 79/20 86/24 89/4</p> <p>89/17 92/13 92/14 92/23</p> <p>93/9 93/15 93/16 94/9 94/10</p> <p>95/19 95/25 96/5 97/7 97/8</p> <p>97/16 97/17 98/3 103/1</p> <p>104/1 107/22 109/24 110/14</p> <p>112/8 113/1 113/19 115/25</p> <p>116/3 116/8 120/16 121/3</p> <p>121/18 121/20 121/24 122/4</p> <p>125/9 128/4 129/2 129/3</p> <p>130/2 132/12 132/18 132/22</p> <p>132/24 132/25 133/6 136/13</p> <p>138/6 140/15 142/2 143/24</p> <p>144/2 147/7 148/2 149/14</p> <p>149/17 152/3 152/7 154/11</p> <p>154/12 158/16 158/22 159/10</p> <p>160/11 161/24 165/18 167/2</p> <p>167/20 169/22 169/25 170/5</p> <p>170/11 172/22 173/6 173/19</p> <p>179/16 182/1 182/3 183/5</p> <p>183/20 185/5</p> <p>buy [4] 79/5 88/19 88/22</p> <p>97/10</p> <p>buying [7] 8/23 9/3 38/24</p> <p>90/20 91/14 95/5 125/8</p> <p>by [87] 1/14 5/14 9/8 10/5</p> <p>10/16 11/12 11/15 11/17</p> <p>11/19 13/22 15/14 17/11</p> <p>21/4 21/19 23/8 23/13 32/22</p> <p>34/25 35/11 38/16 43/23</p> <p>44/12 44/17 45/17 60/16</p> <p>61/16 75/1 77/2 77/7 87/25</p> <p>88/1 92/20 97/1 97/7 97/8</p> <p>97/15 98/6 98/6 98/7 98/8</p> <p>118/5 118/14 118/20 118/24</p> <p>119/19 129/7 132/8 132/14</p> <p>132/16 132/24 136/13 137/1</p> <p>138/2 138/5 139/17 140/3</p> <p>144/22 144/23 145/2 145/12</p> <p>145/15 147/22 150/25 152/24</p> <p>153/19 153/21 154/25 159/11</p> <p>175/8 176/25 182/24 183/24</p> <p>184/3 184/14 185/4 185/17</p> <p>187/7 229/4 229/4 229/5</p> <p>229/7 229/7 229/8 229/8</p> <p>229/11 229/11 229/12</p>	<p>79/15 79/18 82/19 83/2</p> <p>83/16 94/22 97/12 97/25</p> <p>104/7 105/1 106/3 113/11</p> <p>113/13 146/20 147/25 148/3</p> <p>148/13 164/3 164/9 164/24</p> <p>166/17 168/11 175/23 178/6</p> <p>called [25] 24/2 45/23 50/3</p> <p>50/6 58/18 58/21 67/14</p> <p>77/23 79/22 82/20 82/23</p> <p>94/4 108/15 146/11 153/16</p> <p>157/14 157/19 157/25 158/7</p> <p>164/17 172/17 180/16 180/18</p> <p>180/21 180/22</p> <p>calling [2] 46/5 157/12</p> <p>calls [3] 64/16 84/19 92/10</p> <p>came [9] 42/1 98/1 109/8</p> <p>156/8 165/22 168/5 172/4</p> <p>172/7 172/18</p> <p>camera [3] 9/1 90/18 91/5</p> <p>can [97] 2/15 3/12 5/3 6/17</p> <p>8/5 9/4 9/5 9/23 12/12</p> <p>12/24 13/9 13/17 15/6 18/22</p> <p>24/9 32/12 45/2 46/20 48/17</p> <p>48/20 49/9 50/4 50/14 51/7</p> <p>51/7 51/20 53/10 53/14 54/1</p> <p>55/14 57/8 61/5 62/1 63/10</p> <p>64/3 67/15 69/8 69/25 71/4</p> <p>71/9 87/5 90/15 90/16 90/20</p> <p>92/7 93/11 93/15 99/14</p> <p>100/23 102/13 103/5 103/24</p> <p>111/10 113/19 115/10 115/23</p> <p>118/9 120/21 122/13 125/15</p> <p>127/24 128/24 129/13 131/1</p> <p>131/14 132/12 132/22 132/23</p> <p>133/15 134/6 135/8 135/9</p> <p>138/3 139/10 140/10 140/12</p> <p>141/11 142/1 142/2 142/8</p> <p>147/9 151/16 153/23 154/22</p> <p>160/1 160/22 161/5 162/20</p> <p>163/9 165/8 167/4 167/7</p> <p>169/10 176/9 177/5 186/24</p> <p>187/4</p> <p>can't [24] 4/3 15/6 51/21</p> <p>53/14 53/21 58/20 66/13</p> <p>88/3 88/18 89/1 89/2 93/9</p> <p>93/20 100/4 102/10 105/9</p> <p>105/9 105/9 106/22 115/4</p> <p>116/1 122/3 125/9 168/3</p> <p>cannot [2] 32/25 156/11</p> <p>capacity [1] 83/17</p> <p>car [7] 50/20 50/20 52/8</p> <p>52/8 53/15 53/16 53/16</p> <p>card [1] 35/24</p> <p>care [14] 50/18 50/25 52/9</p> <p>59/2 59/2 62/13 100/19</p> <p>100/21 163/11 163/12 175/3</p> <p>177/7 177/9 177/25</p> <p>carried [1] 152/2</p> <p>carrier [3] 61/14 62/15</p> <p>63/18</p> <p>Carroll [17] 30/14 30/18</p> <p>33/12 37/8 41/13 46/2 46/2</p> <p>47/4 47/11 56/9 56/10 61/12</p> <p>61/25 62/12 118/24 141/8</p> <p>159/25</p> <p>Carroll's [10] 30/22 33/8</p> <p>33/14 37/5 37/11 119/3</p> <p>119/5 141/14 141/16 143/8</p> <p>carry [1] 144/14</p> <p>case [21] 3/2 3/12 4/7 4/10</p> <p>17/17 17/25 47/22 65/2</p> <p>114/9 116/5 116/9 129/21</p> <p>144/17 147/24 169/10 176/20</p>	<p>183/21 184/13 186/9 187/23</p> <p>188/6</p> <p>cached [1] 23/24</p> <p>catches [2] 174/1 175/23</p> <p>caught [2] 170/8 175/5</p> <p>caused [2] 3/22 178/10</p> <p>causes [1] 64/20</p> <p>cellphone [2] 104/6 140/15</p> <p>center [1] 105/15</p> <p>central [2] 59/12 66/1</p> <p>certifications [1] 187/25</p> <p>certify [1] 229/18</p> <p>cetera [1] 9/7</p> <p>Champion [4] 67/24 68/2</p> <p>80/17 86/9</p> <p>chance [2] 161/9 161/10</p> <p>chances [1] 91/21</p> <p>change [9] 13/19 16/25 65/6</p> <p>67/1 131/7 138/9 164/23</p> <p>165/1 170/25</p> <p>changed [7] 13/18 130/4</p> <p>130/6 131/8 171/5 171/6</p> <p>171/10</p> <p>changes [3] 16/11 166/20</p> <p>174/3</p> <p>changing [4] 100/2 100/11</p> <p>100/17 122/21</p> <p>character [3] 4/7 179/8</p> <p>182/8</p> <p>characterization [1] 146/19</p> <p>charge [7] 13/14 13/15 13/20</p> <p>25/7 25/8 91/5 151/1</p> <p>charged [4] 16/25 144/9</p> <p>151/19 157/7</p> <p>charges [6] 16/21 30/4 31/20</p> <p>34/12 51/12 51/13</p> <p>charging [3] 144/11 157/13</p> <p>157/23</p> <p>check [8] 23/22 24/1 24/24</p> <p>25/1 75/18 77/10 166/21</p> <p>182/13</p> <p>checks [14] 7/23 11/4 11/13</p> <p>13/13 13/14 28/5 28/20</p> <p>63/21 78/9 78/10 78/13 79/4</p> <p>146/14 163/11</p> <p>chemist [1] 102/4</p> <p>child [2] 100/19 100/21</p> <p>children [8] 7/9 165/19</p> <p>166/16 169/1 170/24 172/13</p> <p>177/25 179/4</p> <p>chore [2] 59/4 59/5</p> <p>Christmastime [1] 88/10</p> <p>circle [3] 79/8 79/13 106/22</p> <p>circumstances [2] 39/23</p> <p>168/7</p> <p>City [1] 120/2</p> <p>CIVIL [1] 1/3</p> <p>claim [5] 3/20 55/16 63/1</p> <p>86/11 176/20</p> <p>claimed [3] 55/9 55/10 132/3</p> <p>claims [9] 20/1 22/2 25/24</p> <p>27/10 29/7 31/9 33/18 117/3</p> <p>134/22</p> <p>clarify [4] 120/21 131/1</p> <p>132/19 138/10</p> <p>clarity [1] 62/20</p> <p>clear [3] 34/7 45/9 155/17</p> <p>cleared [2] 130/17 138/6</p> <p>clearly [3] 53/6 76/2 156/11</p> <p>client [5] 36/22 74/2 74/6</p> <p>83/6 135/2</p> <p>clients [1] 81/7</p> <p>close [2] 111/10 144/3</p>
<p>C</p> <p>C.M [1] 229/23</p> <p>cabinet [1] 103/19</p> <p>calculate [4] 16/16 140/7</p> <p>140/18 142/2</p> <p>calculated [5] 13/16 30/4</p> <p>31/20 34/13 159/24</p> <p>calculation [6] 42/4 140/22</p> <p>141/7 149/15 152/17 160/9</p> <p>calculations [2] 13/23</p> <p>149/16</p> <p>calculator [5] 140/10 140/12</p> <p>140/16 142/1 144/19</p> <p>call [54] 6/8 9/23 14/14</p> <p>43/5 43/12 43/13 44/6 44/10</p> <p>45/11 45/23 46/3 46/19</p> <p>46/20 46/23 46/24 46/25</p> <p>47/2 47/9 47/14 53/2 55/5</p> <p>58/5 58/7 58/15 60/4 60/7</p> <p>61/19 65/18 66/1 74/24</p>		

C	Case 2:15-cv-05834-JCJ Document 145 Filed 05/16/17 Page 197 of 229	
closed [1] 179/15	conference [1] 113/13	124/22 125/1 125/2 125/5
closing [1] 112/19	confirm [2] 157/140/5	126/11 126/8 126/11
CM [1] 1/19	confirmed [2] 48/7 149/3	126/12 126/14 127/9 127/10
collect [4] 31/1 63/21 76/6 154/20	confused [1] 186/5	127/17 127/18 127/20 127/21
collection [2] 116/17 159/14	conjecture [1] 79/25	127/23 128/3 128/5 128/11
collector [8] 28/9 79/11	consent [2] 21/4 23/8	128/18 128/20 128/23 129/16
116/16 127/23 127/24 128/7 128/10 128/12	consider [1] 187/6	130/23 131/24 131/25 132/5
column [2] 124/18 124/20	considering [3] 2/17 97/21 125/7	132/23 133/4 134/23 136/1
come [14] 6/10 9/14 14/1 15/1 26/25 42/20 77/22 79/8 86/18 93/3 142/24 144/11 155/11 168/6	consistent [1] 167/1	136/14 149/12 149/16 150/5
comes [4] 67/22 97/24 145/2 145/19	constantly [1] 166/20	150/13 151/2 151/3 151/9
comfortable [1] 82/8	construction [1] 61/18	151/10 151/15 151/21 151/22
coming [5] 6/11 39/15 39/18 84/20 166/14	consumer [3] 124/17 124/21 135/17	152/6 152/14 153/4 153/11
command [1] 114/6	contact [5] 28/13 39/5 45/21 82/18 82/21	153/12 153/16 154/18 155/23
comment [2] 122/3 122/13	contacted [2] 175/12 179/21	155/24 156/3 156/4 156/6
comments [1] 146/16	contain [1] 114/13	156/9 156/10 156/14 156/18
commercial [1] 135/18	contained [5] 26/11 70/20 138/16 153/21 169/25	156/20 157/8 157/16 157/21
commission [1] 89/6	continue [8] 32/25 36/25 56/19 57/24 61/7 83/13 123/19 139/19	158/2 159/1 159/15 162/18
Commissioner [1] 120/2	contract [1] 81/10	162/19 170/20 172/4 176/5
commitment [1] 79/2	contractor [1] 8/17	176/6 177/11 229/18
Common [2] 44/23 150/12	contrary [1] 185/19	correctly [2] 102/22 120/5
Commonwealth [5] 115/8 115/12 116/16 137/2 137/5	contrast [1] 165/8	correspondence [2] 18/14 185/13
communication [9] 28/1 28/7 28/20 42/22 43/4 55/2 55/13 58/24 129/15	control [4] 66/12 66/13 174/7 174/9	corresponding [1] 72/13
communications [5] 45/19 56/23 153/14 153/19 154/15	Controlled [1] 59/20	cost [2] 60/25 61/2
companies [4] 8/1 63/1 67/22 80/14	conversation [27] 24/7 24/21 45/18 47/5 50/5 51/10 52/5 53/9 53/19 54/4 54/19 54/25 55/3 55/4 61/11 63/24 146/6 146/9 147/1 147/7 148/16 148/24 163/24 164/12 164/19 165/7 181/2	costs [2] 57/13 57/25
company [11] 38/20 46/11 62/18 67/14 67/18 67/23 86/12 98/15 108/14 115/8 137/6	conversations [2] 61/25 64/13	could [36] 7/3 11/8 25/19 28/21 28/22 31/7 32/14 42/20 46/25 48/11 61/17 63/12 63/13 68/25 70/8 70/24 79/6 88/22 89/12 102/12 102/17 103/20 115/25 132/17 132/17 133/1 139/3 157/7 159/3 159/7 166/22 170/12 170/15 172/1 172/21 173/19
compare [1] 165/8	coordinating [1] 91/1	couldn't [8] 3/9 3/9 3/19 54/7 54/9 54/9 58/19 94/3
comparing [1] 66/9	coordination [1] 94/6	counsel [32] 2/6 2/24 3/1 5/12 6/15 6/16 6/24 24/6 42/18 45/10 45/12 60/1 73/18 74/8 78/22 80/2 118/5 118/14 119/23 122/21 123/20 131/14 137/14 137/25 150/20 156/24 169/12 173/18 176/25 181/9 185/23 188/8
compensation [3] 86/15 87/20 89/10	copy [17] 10/13 12/13 13/2 17/16 17/19 41/17 44/11 44/21 45/13 55/12 60/12 70/1 70/9 71/4 71/7 186/25 187/1	counsel's [1] 159/8
competently [1] 137/11	core [1] 68/4	count [1] 184/23
complained [1] 176/22	corner [1] 119/18	counted [1] 145/1
complaint [20] 44/12 44/14 44/21 45/3 45/13 48/2 49/1 49/15 70/9 133/16 134/1 134/19 136/16 140/8 149/23 150/3 154/23 155/19 184/23 185/9	corporate [3] 80/8 80/9 80/19	County [3] 44/24 123/3 150/13
complete [1] 12/2	Corporation [1] 14/12	couple [2] 80/3 187/19
completely [6] 19/13 90/25 165/2 168/19 169/22 170/1	Corporation's [1] 48/16	course [9] 60/22 150/24 151/12 151/23 152/4 158/25 160/19 161/23 162/18
complied [1] 48/13	Corporations [1] 48/7	court [27] 1/1 1/20 2/1 2/14 3/18 5/6 6/17 44/23 50/4 55/17 55/19 69/15 71/3 73/13 73/18 122/17 123/13 134/13 137/12 139/10 150/11 150/12 161/6 186/3 187/23 188/9 188/11
compose [1] 51/18	correct [154] 29/25 30/1 36/23 36/24 45/14 65/22 66/22 70/6 72/16 72/20 72/23 73/2 73/10 74/18 74/21 74/25 75/14 75/25 76/9 76/12 83/19 86/3 86/19 89/21 91/12 92/15 94/3 98/24 100/25 101/17 104/20 107/7 112/11 114/4 114/5 114/7 114/8 114/10 114/11 114/14 114/15 114/19 114/24 115/3 115/16 115/17 115/19 115/20 115/24 116/6 116/9 117/6 117/8 117/12 117/15 117/21 117/24 118/7 118/11 118/15 118/18 118/22 118/23 118/25 119/1 119/4 119/8 119/22 120/19 121/16 122/2 122/11 123/5 123/7 123/25 124/9 124/14 124/18 124/19	Court's [1] 169/9
computer [1] 168/1		courtroom [2] 47/24 119/2
concentrate [1] 165/4		cover [4] 95/19 95/25 96/3 96/7
concept [1] 129/5		cover for [1] 96/3
concerned [2] 39/14 46/10		covered [3] 61/1 96/7 96/8
concerning [1] 104/3		covers [1] 4/13
conclude [2] 69/8 116/1		CR [21] 58/19 59/19 59/20 60/6 60/16 60/18 60/19 60/23 61/2 61/4 61/7 83/18 84/2 102/12 102/21 103/1 103/10 104/3 106/21 106/21
concludes [1] 115/22		
conclusion [1] 134/25		
conclusions [5] 4/9 76/15 185/25 186/9 186/12		
conclusions of [1] 186/12		
conduct [8] 150/25 151/12 151/24 152/4 158/25 160/20 161/23 178/8		

<p>D</p> <p>didn't... [29] 90/18 94/6</p> <p>94/9 96/3 104/4 104/5</p> <p>105/17 107/9 108/18 109/1</p> <p>109/5 116/8 129/2 131/5</p> <p>147/1 149/14 149/15 151/23</p> <p>152/10 158/8 165/15 168/4</p> <p>173/6 179/11 179/12 180/14</p> <p>180/20 183/14 183/17</p> <p>diem [4] 144/23 144/24</p> <p>145/13 145/13</p> <p>difference [13] 68/14 68/19</p> <p>102/11 102/12 102/14 102/18</p> <p>128/6 137/16 150/9 159/23</p> <p>160/1 160/2 171/12</p> <p>different [17] 13/20 17/3</p> <p>18/19 18/23 81/12 89/3</p> <p>89/16 89/17 90/25 106/21</p> <p>110/12 110/16 121/22 121/23</p> <p>132/23 151/20 165/9</p> <p>differing [1] 158/14</p> <p>difficult [3] 90/12 121/1</p> <p>168/23</p> <p>difficulties [2] 61/13 62/2</p> <p>diligence [1] 125/7</p> <p>dipped [1] 65/3</p> <p>dips [1] 85/4</p> <p>direct [9] 7/1 34/3 74/15</p> <p>113/16 135/8 141/17 162/15</p> <p>169/9 229/2</p> <p>direct's [1] 135/13</p> <p>directed [1] 122/19</p> <p>directing [3] 20/18 22/22</p> <p>141/20</p> <p>direction [2] 92/5 92/7</p> <p>directly [1] 68/6</p> <p>disaster [1] 175/15</p> <p>disclose [1] 3/9</p> <p>Disclosure [1] 10/13</p> <p>discontinue [1] 16/1</p> <p>discuss [3] 61/12 62/2</p> <p>146/12</p> <p>discussed [4] 37/25 38/1</p> <p>41/13 129/6</p> <p>discussing [1] 117/5</p> <p>discussion [3] 3/6 62/5</p> <p>113/25</p> <p>discussions [3] 3/13 3/20</p> <p>83/8</p> <p>dismissed [1] 184/24</p> <p>dispute [11] 20/5 22/6 26/2</p> <p>27/13 29/11 31/12 33/22</p> <p>37/20 37/22 115/6 115/11</p> <p>disrespect [1] 2/21</p> <p>district [3] 1/1 1/1 171/2</p> <p>divide [2] 144/23 145/12</p> <p>divided [2] 67/23 97/1</p> <p>do [213] 2/18 5/20 7/7 7/9</p> <p>7/17 7/19 7/20 8/7 8/8 8/15</p> <p>8/15 8/16 9/5 11/6 11/15</p> <p>11/17 11/19 11/21 13/21</p> <p>14/6 15/5 15/8 17/5 17/7</p> <p>17/8 17/13 18/14 19/9 20/5</p> <p>22/6 23/20 24/8 24/10 26/2</p> <p>27/6 27/8 27/13 29/11 29/16</p> <p>29/17 29/24 31/12 32/23</p> <p>33/4 33/22 39/4 41/10 42/16</p> <p>43/6 43/11 43/16 48/3 48/3</p> <p>48/6 48/8 48/10 49/11 51/14</p> <p>51/22 51/22 51/23 52/12</p> <p>52/12 52/17 53/14 53/14</p> <p>54/1 54/15 55/5 57/6 59/1</p>	<p>61/7 64/9 64/12 64/15 64/21</p> <p>64/22 64/24 65/11 65/23</p> <p>67/11 68/14 68/18 70/15</p> <p>72/1 75/13 79/10 79/14</p> <p>79/16 81/1 81/9 85/25 85/25</p> <p>87/2 88/12 89/6 90/7 90/8</p> <p>90/19 91/5 91/6 91/9 91/15</p> <p>91/18 91/21 93/4 93/19</p> <p>93/22 94/9 94/19 94/24 95/1</p> <p>95/15 95/25 96/6 97/8 97/10</p> <p>98/11 98/14 99/3 103/2</p> <p>103/8 103/23 103/25 105/25</p> <p>106/17 108/8 109/1 109/17</p> <p>109/20 111/5 111/17 111/18</p> <p>112/2 112/8 113/8 113/19</p> <p>115/2 115/6 115/13 115/14</p> <p>116/3 120/8 124/4 126/2</p> <p>126/22 126/24 127/1 127/3</p> <p>127/5 127/13 127/14 129/11</p> <p>129/21 129/24 129/25 133/20</p> <p>133/21 133/22 135/14 137/7</p> <p>138/3 140/11 141/2 142/1</p> <p>142/24 145/11 146/6 146/13</p> <p>146/19 146/21 146/22 146/25</p> <p>147/24 148/3 148/4 148/11</p> <p>148/16 148/17 148/22 149/14</p> <p>151/13 155/11 160/8 161/17</p> <p>161/19 163/4 163/7 163/7</p> <p>163/10 164/2 165/18 165/19</p> <p>166/8 166/11 166/18 166/19</p> <p>166/19 174/3 174/11 174/16</p> <p>176/23 177/6 177/12 179/10</p> <p>179/11 180/17 180/20 181/14</p> <p>182/3 185/19 186/20 187/17</p> <p>docket [1] 70/1</p> <p>doctor [6] 58/16 58/17 58/18</p> <p>59/15 59/18 102/8</p> <p>doctor's [1] 104/2</p> <p>document [52] 13/5 13/10</p> <p>17/5 17/7 17/17 17/19 27/7</p> <p>33/9 33/11 37/6 48/15 57/6</p> <p>68/7 71/6 74/1 112/8 114/13</p> <p>115/14 115/16 115/22 116/22</p> <p>118/20 120/4 120/7 120/17</p> <p>120/24 121/10 121/12 121/22</p> <p>122/4 125/9 126/6 127/7</p> <p>127/15 127/16 127/19 127/22</p> <p>128/2 128/10 128/13 128/16</p> <p>129/4 133/9 133/11 133/20</p> <p>133/23 134/9 136/21 138/15</p> <p>138/17 139/21 155/9</p> <p>documentation [1] 19/19</p> <p>documents [9] 81/7 112/3</p> <p>117/19 121/23 123/6 125/3</p> <p>150/12 151/20 152/16</p> <p>does [94] 7/20 7/25 8/2 18/9</p> <p>18/13 20/10 20/14 20/25</p> <p>21/3 21/8 22/12 22/16 22/19</p> <p>23/4 23/7 26/8 26/15 26/18</p> <p>26/22 27/22 28/13 29/14</p> <p>29/18 30/9 30/25 31/15</p> <p>31/18 31/22 31/25 32/3 32/6</p> <p>33/5 33/6 33/11 33/14 33/25</p> <p>34/8 34/11 34/15 34/18</p> <p>34/21 34/24 37/5 37/8 37/11</p> <p>41/23 42/8 42/12 49/1 56/9</p> <p>56/12 56/15 56/18 57/12</p> <p>59/20 67/1 68/7 68/11 70/7</p> <p>74/10 74/11 76/3 78/19</p> <p>78/24 91/22 97/12 104/19</p> <p>106/24 109/12 109/13 110/9</p> <p>110/10 112/9 112/25 122/17</p> <p>128/10 130/15 133/25 134/9</p>	<p>136/2 136/10 136/12 137/1</p> <p>137/3 138/6 138/12 150/8</p> <p>153/2 153/6 156/20 161/22</p> <p>167/1 177/23 182/12</p> <p>doesn't [15] 9/5 42/10 52/1</p> <p>56/1 88/19 90/14 98/9</p> <p>110/18 127/22 134/3 137/16</p> <p>153/8 156/13 182/1 182/2</p> <p>doing [11] 2/19 10/2 79/7</p> <p>79/23 91/23 92/2 92/11 93/2</p> <p>93/2 97/16 151/9</p> <p>dollars [2] 54/5 97/11</p> <p>don't [113] 2/10 3/5 3/13</p> <p>6/18 12/16 23/22 24/12 25/4</p> <p>29/21 29/22 37/16 37/18</p> <p>37/19 41/12 42/14 46/16</p> <p>50/15 50/15 50/18 50/21</p> <p>50/25 51/16 51/16 51/25</p> <p>51/25 52/7 52/8 52/9 52/9</p> <p>52/16 52/17 52/19 53/7</p> <p>53/12 53/15 54/2 54/12</p> <p>54/16 54/23 55/17 58/23</p> <p>60/10 61/10 64/22 66/15</p> <p>83/4 86/23 86/24 87/1 87/1</p> <p>90/7 90/7 90/8 90/12 92/5</p> <p>92/8 92/9 92/18 93/4 93/22</p> <p>96/7 98/6 98/6 98/11 100/5</p> <p>101/11 101/12 109/7 113/4</p> <p>115/5 115/11 115/21 115/22</p> <p>116/3 116/4 116/7 116/11</p> <p>120/17 121/4 123/1 125/16</p> <p>128/14 129/1 129/3 132/1</p> <p>133/15 136/6 143/2 144/14</p> <p>147/4 147/10 148/1 148/8</p> <p>153/17 154/19 155/2 155/3</p> <p>155/4 159/10 159/18 160/14</p> <p>164/22 168/25 170/7 170/16</p> <p>170/18 173/1 173/16 173/16</p> <p>176/3 176/16 186/2 187/14</p> <p>done [12] 51/24 56/7 77/14</p> <p>79/15 88/9 88/9 90/9 110/22</p> <p>120/18 135/7 143/18 179/2</p> <p>Donegan [6] 5/11 118/6</p> <p>118/14 118/21 119/20 119/25</p> <p>Donegan's [1] 120/13</p> <p>dosage [1] 106/17</p> <p>doubled [1] 91/22</p> <p>down [24] 24/3 35/24 39/5</p> <p>72/7 72/11 78/22 88/13</p> <p>93/23 94/23 109/13 124/16</p> <p>162/3 165/2 165/22 166/2</p> <p>170/9 171/7 171/16 171/22</p> <p>176/2 176/4 176/8 179/14</p> <p>182/18</p> <p>downstairs [2] 172/23 173/1</p> <p>downward [1] 64/5</p> <p>draw [2] 11/12 55/14</p> <p>drawing [2] 25/19 111/4</p> <p>draws [2] 20/22 23/1</p> <p>drink [2] 103/8 168/1</p> <p>drinking [1] 167/18</p> <p>drive [1] 171/9</p> <p>drop [1] 88/5</p> <p>due [17] 15/14 16/9 16/18</p> <p>30/11 32/4 34/22 41/24</p> <p>42/10 49/3 63/14 75/8 112/6</p> <p>125/7 130/4 154/21 155/16</p> <p>156/3</p> <p>duly [3] 6/13 113/15 162/14</p> <p>during [19] 14/19 16/12</p> <p>16/15 16/25 18/2 25/17</p> <p>30/10 32/3 32/18 40/25 50/5</p> <p>61/11 74/15 99/1 125/6</p>
--	---	---

<p>D</p> <p>during... [4] 130/20 138/11 139/13 149/10</p> <p>duties [1] 167/16</p> <p>E</p> <p>E-mail [6] 56/8 85/11 101/10 141/8 143/8 159/25</p> <p>E-mails [1] 64/17</p> <p>each [5] 11/25 13/20 56/5 67/21 166/21</p> <p>earlier [3] 126/21 132/20 145/1</p> <p>early [2] 101/16 126/7</p> <p>earn [1] 89/6</p> <p>earnings [4] 83/17 89/25 90/1 99/3</p> <p>earth [1] 81/13</p> <p>easier [1] 12/1</p> <p>easiest [1] 64/21</p> <p>Easter [1] 110/13</p> <p>EASTERN [1] 1/1</p> <p>economic [1] 86/10</p> <p>education [2] 8/10 163/16</p> <p>effect [5] 3/10 33/1 66/6 66/7 102/16</p> <p>effective [3] 115/23 122/17 152/25</p> <p>EICHEN [2] 1/14 107/12</p> <p>Eight [1] 126/6</p> <p>either [9] 9/6 15/20 21/19 23/13 27/23 61/25 89/1 121/1 121/11</p> <p>electronic [1] 71/4</p> <p>elevator [1] 171/22</p> <p>else [15] 3/10 4/16 7/7 47/9 66/8 82/5 92/20 93/3 110/15 162/1 180/17 180/20 181/9 182/15 184/3</p> <p>embarrassingly [1] 104/1</p> <p>Emotionally [1] 100/3</p> <p>employee [2] 86/15 118/25</p> <p>empty [1] 167/19</p> <p>end [2] 3/21 63/22</p> <p>endorsed [1] 140/3</p> <p>engaged [4] 116/17 135/15 135/20 149/7</p> <p>engaging [2] 165/10 166/11</p> <p>engulfed [2] 170/6 170/10</p> <p>enough [4] 4/9 45/1 61/10 96/23</p> <p>enter [1] 9/20</p> <p>entered [6] 9/15 39/25 76/18 80/7 80/23 82/5</p> <p>entertain [1] 4/17</p> <p>entire [7] 161/10 161/10 161/12 169/24 170/5 170/9 170/11</p> <p>entirely [1] 187/10</p> <p>entirety [1] 72/23</p> <p>entities [3] 67/21 80/9 80/16</p> <p>entitle [1] 158/1</p> <p>entitled [2] 3/25 229/20</p> <p>entity [5] 8/5 48/17 80/9 163/7 163/10</p> <p>equal [1] 167/16</p> <p>equally [1] 127/3</p> <p>equation [1] 145/18</p> <p>equity [4] 35/18 177/3 178/17 180/2</p> <p>Eric [1] 45/20</p>	<p>ERIK [1] 1/17</p> <p>Error [4] 1/1 1/1 145/24 150/16 160/11</p> <p>escaped [1] 172/3</p> <p>especially [1] 85/13</p> <p>ESQUIRE [2] 1/14 1/17</p> <p>establish [1] 91/17</p> <p>established [1] 100/24</p> <p>estimate [1] 39/10</p> <p>estimation [1] 88/1</p> <p>et [1] 9/7</p> <p>even [15] 42/10 51/21 53/21 54/6 55/15 75/6 77/14 100/4 100/5 118/24 144/10 144/14 151/6 157/14 157/25</p> <p>event [4] 72/7 72/12 72/13 147/6</p> <p>ever [41] 9/14 14/1 14/18 15/1 17/16 21/16 23/11 24/23 25/18 26/25 28/18 37/23 42/21 42/24 46/25 49/18 51/20 54/20 54/21 61/12 62/15 66/7 81/25 89/4 99/16 104/6 138/12 147/16 149/11 149/11 152/13 153/14 153/23 154/4 154/16 154/24 176/22 179/2 181/14 181/19 181/21</p> <p>every [18] 17/2 36/4 39/16 77/13 91/7 94/10 94/14 97/15 103/2 105/20 105/21 106/4 106/10 106/14 107/5 110/11 140/25 166/18</p> <p>everybody [4] 165/11 175/4 175/19 175/21</p> <p>everyone [2] 51/6 91/25</p> <p>everyone's [1] 101/14</p> <p>everything [20] 19/22 53/22 63/14 66/15 68/5 82/5 84/17 101/10 101/10 101/13 101/15 110/16 129/2 166/25 170/8 171/7 175/12 175/14 177/24 187/12</p> <p>evidence [15] 2/15 5/7 70/18 71/2 71/11 134/16 134/22 161/3 182/21 183/5 183/6 183/10 185/5 185/25 188/2</p> <p>exactly [2] 25/6 109/15</p> <p>examination [15] 7/1 69/9 71/14 71/15 83/13 111/1 113/16 123/20 135/11 147/21 159/21 162/15 169/5 169/6 181/10</p> <p>examples [1] 167/4</p> <p>exceed [2] 32/22 139/17</p> <p>Excel [1] 144/2</p> <p>except [2] 46/10 71/9</p> <p>excerpts [4] 4/21 5/6 6/1 162/9</p> <p>excess [2] 18/11 177/2</p> <p>exclude [1] 185/5</p> <p>Excuse [1] 108/3</p> <p>exercise [1] 149/7</p> <p>exhibit [134] 5/11 6/23 10/12 12/6 12/13 12/16 12/24 15/23 16/5 17/5 18/9 19/25 20/14 20/19 21/8 21/9 21/19 21/23 22/1 22/9 22/23 23/13 23/17 25/23 26/5 26/8 26/15 26/18 26/22 27/5 27/17 28/14 29/6 29/9 29/14 29/18 30/3 30/7 30/9 30/21 30/25 31/3 31/8 31/10 31/15</p>	<p>31/18 32/7 32/13 33/7 33/17 33/20 36/25 38 37/5 41/17 44/21 45/2 48/12 49/2 49/15 55/12 56/22 57/6 60/10 60/15 67/12 68/11 69/25 70/9 70/12 70/14 71/18 71/21 73/7 73/8 73/21 75/25 85/25 87/15 98/19 99/6 104/11 107/5 107/11 111/4 111/8 111/10 114/12 115/6 117/16 117/16 117/20 117/24 118/2 118/18 119/11 119/13 119/15 119/16 121/14 122/8 124/7 124/23 126/3 126/19 127/12 128/15 129/5 129/19 130/10 132/12 133/16 136/17 137/22 138/20 139/4 141/9 150/1 151/15 152/18 154/16 154/24 155/18 155/19 156/23 159/6 160/23 161/13 161/22 163/20 163/21 176/11 176/12 176/14</p> <p>Exhibit 1 [12] 10/12 12/6 15/23 32/7 71/21 117/16 129/5 139/4 160/23 161/13 161/22 163/20</p> <p>Exhibit 10 [3] 22/9 22/23 23/13</p> <p>Exhibit 11 [2] 23/17 26/15</p> <p>Exhibit 13 [8] 29/6 29/18 30/3 30/7 30/9 30/21 30/25 31/3</p> <p>Exhibit 14 [4] 31/8 31/10 31/18 33/7</p> <p>Exhibit 15 [1] 132/12</p> <p>Exhibit 17 [2] 154/24 155/18</p> <p>Exhibit 173 [1] 159/6</p> <p>Exhibit 18 [2] 55/12 154/16</p> <p>Exhibit 3 [6] 12/16 117/16 136/17 163/21 176/11 176/12</p> <p>Exhibit 32 [1] 115/6</p> <p>Exhibit 34 [2] 57/6 107/11</p> <p>Exhibit 35 [2] 104/11 107/5</p> <p>Exhibit 6 [3] 119/11 119/16 121/14</p> <p>Exhibit 7 [2] 17/5 141/9</p> <p>Exhibit 8 [2] 16/5 73/8</p> <p>Exhibit 9 [6] 20/14 20/19 21/8 21/9 21/19 21/23</p> <p>Exhibit binders [1] 98/19</p> <p>Exhibit E [2] 45/2 155/19</p> <p>Exhibit is [1] 138/20</p> <p>Exhibit Number [2] 5/11 19/25</p> <p>Exhibit Number 11 [1] 25/23</p> <p>exhibit numbers [1] 71/18</p> <p>Exhibit was [1] 119/15</p> <p>exhibited [2] 43/20 168/6</p> <p>exhibits [16] 4/21 5/7 56/21 117/15 122/25 129/9 153/22 154/8 154/15 183/7 183/10 183/22 184/6 184/10 184/14 185/12</p> <p>existed [2] 41/23 151/4</p> <p>existing [1] 36/17</p> <p>expect [2] 77/3 78/13</p> <p>expected [1] 78/10</p> <p>expecting [3] 75/17 76/7 78/9</p> <p>expense [1] 19/16</p> <p>expenses [5] 86/18 86/24 86/25 87/4 87/11</p> <p>experience [4] 67/7 68/16</p>
---	--	--

<div>Case 2:15-cv-05834-JCJ</div> <div>Document 45 Filed 05/16/17 Page 201 of 229</div>	<div>179/21 180/1 180/23 February [9] 141/13 142/3 142/6 142/7 142/9 142/10 144/25 145/4 150/5 February 11th [1] 150/5 February 20th [5] 141/13 142/3 142/10 144/25 145/4 federal [2] 14/12 159/11 fee [1] 77/11 feel [11] 54/3 58/20 63/17 64/24 65/7 65/19 66/15 82/8 85/7 102/15 183/7 feeling [3] 58/20 66/10 66/11 feels [1] 168/19 fees [10] 3/3 49/9 54/6 55/9 56/2 57/12 57/24 107/14 187/22 187/24 feet [3] 170/15 170/17 172/21 FELLHEIMER [5] 1/14 99/18 99/21 107/12 131/7 felt [5] 51/4 52/21 65/17 82/14 103/5 few [16] 4/2 7/22 47/12 59/24 60/8 61/4 64/18 65/1 67/25 68/2 77/13 89/13 96/14 130/18 143/23 158/21 field [1] 167/7 figure [6] 46/9 49/10 58/11 88/3 128/7 143/4 figures [6] 3/10 40/7 136/11 140/22 154/1 154/4 file [1] 101/11 filed [28] 2/11 3/23 4/8 43/6 44/12 44/22 48/1 55/16 55/19 55/22 57/14 70/2 70/9 86/21 119/14 120/10 120/14 120/24 121/10 121/25 123/2 125/13 125/19 133/17 140/9 150/12 185/2 187/6 filing [1] 120/18 fill [3] 167/1 167/2 167/2 filled [4] 88/25 103/3 105/20 169/20 filmed [1] 71/4 final [3] 116/22 152/21 160/13 finance [12] 13/14 13/15 13/20 25/7 25/8 30/4 31/19 34/12 51/12 51/13 77/11 126/1 finances [1] 162/25 financial [28] 1/7 5/12 15/2 17/20 27/2 28/25 29/7 29/16 30/19 35/25 46/24 48/19 74/17 74/20 75/14 76/8 78/9 79/16 79/18 100/12 100/14 100/22 113/23 116/15 135/15 135/16 152/22 185/14 Financially [3] 68/24 99/19 99/20 find [6] 32/12 46/14 46/22 169/20 172/13 179/7 finder [1] 2/14 findings [5] 4/8 185/24 186/6 186/9 186/11 fine [7] 4/15 65/2 79/15 94/9 97/8 110/6 140/20 fine-tune [1] 110/6 finish [1] 56/6 fire [46] 19/1 19/8 19/11</div>	<div>19/21 46/9 52/13 91/21 169/15 169/18 169/21 169/23 170/6 170/8 170/10 170/19 172/3 172/4 172/6 172/16 172/18 172/24 172/24 173/3 173/7 173/9 173/11 173/13 173/17 173/22 174/1 174/4 174/7 174/9 174/11 174/14 175/5 175/20 175/23 176/21 177/17 177/19 178/3 firm [3] 57/10 57/17 82/22 first [38] 17/23 17/24 31/3 34/4 46/2 47/10 49/5 72/9 75/2 78/19 79/15 85/25 86/1 88/16 93/24 94/4 98/23 109/10 109/12 110/5 111/15 115/7 115/12 115/18 115/19 118/9 120/16 120/23 126/22 129/12 143/18 144/4 145/18 151/6 152/21 161/1 164/20 176/5 fit [1] 89/2 five [17] 113/12 113/14 123/10 132/8 132/20 132/20 132/25 152/12 152/25 157/24 158/9 160/12 170/15 170/17 172/21 174/22 175/17 fix [2] 19/5 19/7 fixed [5] 130/1 130/12 130/14 138/1 138/5 fixed-rate [1] 130/1 flames [4] 169/24 170/3 170/5 170/11 flat [1] 54/2 flat-out [1] 54/2 flew [1] 175/6 flip [1] 87/14 floor [13] 1/15 72/2 72/4 73/1 130/4 130/5 171/25 173/2 173/3 173/4 173/5 173/6 173/8 Florida [3] 174/21 175/7 175/16 flow [1] 3/21 fluctuates [1] 138/8 focused [1] 52/4 follow [6] 93/12 93/19 94/12 94/13 103/1 131/14 follow-through [3] 93/12 94/12 94/13 follow-up [2] 93/19 131/14 following [5] 9/3 64/7 64/16 66/18 166/11 food [2] 110/13 171/8 for [165] 1/1 1/14 1/17 2/19 3/16 5/12 6/23 8/15 8/16 8/16 8/21 9/10 9/18 10/1 10/7 10/25 12/1 13/10 13/11 14/9 14/14 14/23 15/11 18/17 18/22 21/22 24/21 25/2 25/3 25/10 26/23 27/23 30/13 30/18 33/12 37/1 37/9 37/14 40/13 41/4 41/24 44/24 50/1 50/2 52/22 53/6 53/7 53/10 55/17 57/21 57/21 58/22 59/5 59/6 59/8 59/16 60/19 64/3 64/12 64/20 65/7 65/11 65/15 67/13 68/1 69/12 71/3 72/2 72/23 73/4 74/8 74/17 75/5 76/15 77/10 79/4 81/7 81/9 82/1 83/8 86/10 87/9 88/8</div>
---	--	---

Case 2:15-cv-05834-JCJ Document 45 Filed 05/16/17 Page 203 of 229		
G	66/23 67/17 67/18 68/25 70/8 73/22 72/23 71/15 75/11 77/15 77/23 77/23 79/15 79/22 79/23 80/10 80/16 81/10 81/12 81/14 81/22 82/2 85/9 85/24 86/24 87/1 87/2 87/6 87/14 88/19 89/16 89/25 90/10 91/4 91/8 91/12 91/22 93/3 93/16 95/18 95/20 97/10 97/12 98/18 99/16 101/13 101/15 102/1 106/2 108/8 109/22 113/4 113/7 113/8 113/13 115/6 115/11 115/21 116/1 117/3 120/5 122/17 125/9 126/1 135/2 139/2 142/23 143/22 143/23 144/12 144/19 147/14 147/24 148/1 148/8 148/13 152/2 153/2 154/10 154/13 155/4 156/7 158/23 159/19 160/12 160/19 161/9 161/10 161/24 163/4 163/17 165/24 166/22 166/23 168/25 170/25 171/20 172/14 176/9 176/19 183/4 183/14 184/7 184/9 184/21 185/2 185/10 186/2 186/24 186/25 187/1 187/15 188/3 188/9	168/25 77/22 77/22 77/22 77/22 77/22 82/22 hear [6] 3/5 3/13 4/4 6/17 107/9 119/5 heard [3] 6/18 119/3 181/5 hearsay [5] 24/5 24/6 24/11 38/17 59/25 heavily [1] 103/10 HELBING [12] 1/17 41/14 45/4 45/20 46/18 60/12 114/21 114/22 229/4 229/7 229/8 229/11 Helbing's [2] 155/21 156/8 held [3] 69/14 123/12 125/21 hell [1] 94/7 HELOC [19] 9/23 12/15 14/2 14/19 15/1 15/12 17/14 18/20 21/22 24/21 25/18 26/9 26/16 28/19 35/6 49/20 117/4 123/24 134/23 help [3] 58/22 140/10 166/16 helps [1] 7/21 Hence [1] 97/24 here [31] 3/20 5/23 6/10 7/15 12/16 23/24 25/6 25/15 39/2 46/18 52/22 52/24 55/22 60/18 62/11 64/25 85/13 91/17 105/11 128/22 135/14 142/9 145/24 146/15 150/9 166/6 168/5 173/17 178/12 185/6 186/1 Here's [1] 52/2 hereby [4] 111/18 111/23 152/22 153/5 hey [7] 50/7 62/9 79/7 90/16 94/24 167/7 179/21 hierarchy [1] 114/7 higher [1] 55/25 highest [2] 8/9 163/15 him [26] 5/18 45/21 46/9 46/19 52/11 53/10 58/22 74/24 74/25 76/18 82/21 104/7 104/9 137/14 140/12 141/17 146/17 146/23 146/25 164/18 165/12 166/10 167/6 177/12 178/10 180/4 himself [5] 47/19 164/10 165/3 165/4 168/14 hire [1] 63/2 hired [6] 43/23 44/4 44/6 63/11 83/1 83/2 hiring [1] 62/17 his [19] 6/1 46/14 51/8 62/12 76/20 104/6 113/2 119/25 140/3 141/18 141/20 146/19 155/12 163/24 163/24 166/20 167/16 167/18 180/19 historically [1] 72/19 history [15] 17/13 104/14 107/1 107/4 124/24 125/13 125/17 125/21 125/22 125/23 125/24 141/10 145/8 151/18 163/17 hit [4] 84/21 89/14 90/14 130/5 hold [8] 26/24 55/20 87/12 142/8 180/4 180/6 180/25 181/4 holding [1] 155/10 home [23] 7/17 7/21 9/19 10/2 18/23 61/14 61/16 63/19 64/6 65/5 87/5 146/11
gutted [1] 19/14 guy [2] 51/7 59/13 guys [3] 43/14 43/21 85/14		
H		
had [108] 3/6 3/24 5/17 10/21 11/11 15/25 19/4 19/4 19/5 19/7 19/11 23/24 23/25 24/2 24/7 25/3 26/19 32/8 34/24 35/5 35/18 36/1 36/2 36/9 41/13 43/22 43/23 43/24 44/11 44/17 45/10 45/18 46/4 47/5 49/19 50/6 51/10 51/12 55/8 55/16 60/3 61/19 61/20 62/16 64/13 66/2 66/4 66/6 66/7 66/7 66/9 67/5 75/2 75/7 75/19 79/22 81/4 82/24 88/15 91/23 100/24 102/23 103/3 106/15 106/18 107/6 109/1 117/4 117/18 130/6 146/11 147/2 149/13 151/1 151/18 151/24 152/1 154/8 159/2 164/12 164/12 164/15 165/6 165/13 165/15 165/17 165/20 165/20 166/11 166/15 166/15 167/19 168/17 170/19 171/9 174/6 174/21 174/21 174/23 174/23 175/2 175/3 175/4 178/23 178/24 179/2 181/2 181/15 hadn't [3] 108/17 157/14 157/25 half [7] 75/6 78/5 79/19 79/23 97/15 102/25 106/7 hand [2] 170/13 170/17 handled [1] 82/4 handles [1] 86/12 handling [1] 82/9 happen [4] 15/12 15/17 88/24 109/5 happened [13] 18/22 36/1 43/25 65/25 77/23 90/16 90/17 101/16 164/2 164/4 168/12 174/11 174/14 happening [1] 164/17 happens [3] 90/7 167/12 175/15 happy [3] 168/25 169/1 169/1 hard [2] 121/18 186/22 has [35] 3/21 29/19 31/16 34/1 34/8 37/17 50/23 59/5 66/11 67/19 67/20 71/6 71/19 77/5 86/25 92/19 93/1 96/16 101/11 119/9 120/3 131/15 134/21 147/16 147/19 152/22 152/24 155/22 168/16 168/17 175/15 176/5 176/22 176/22 187/11 hasn't [2] 3/2 3/12 have [163] 2/18 3/22 3/23 4/9 4/14 6/23 7/25 9/12 10/23 13/21 13/25 19/6 19/6 20/5 22/6 25/10 26/2 27/13 29/11 31/12 33/22 36/16 37/20 37/22 42/1 42/10 45/13 45/19 47/8 49/9 49/18 50/17 51/10 52/12 53/20 55/21 57/1 57/17 60/9 62/6 63/8 64/9 64/12 64/17 64/18 64/20 65/13 65/16 65/16	66/23 67/17 67/18 68/25 70/8 73/22 72/23 71/15 75/11 77/15 77/23 77/23 79/15 79/22 79/23 80/10 80/16 81/10 81/12 81/14 81/22 82/2 85/9 85/24 86/24 87/1 87/2 87/6 87/14 88/19 89/16 89/25 90/10 91/4 91/8 91/12 91/22 93/3 93/16 95/18 95/20 97/10 97/12 98/18 99/16 101/13 101/15 102/1 106/2 108/8 109/22 113/4 113/7 113/8 113/13 115/6 115/11 115/21 116/1 117/3 120/5 122/17 125/9 126/1 135/2 139/2 142/23 143/22 143/23 144/12 144/19 147/14 147/24 148/1 148/8 148/13 152/2 153/2 154/10 154/13 155/4 156/7 158/23 159/19 160/12 160/19 161/9 161/10 161/24 163/4 163/17 165/24 166/22 166/23 168/25 170/25 171/20 172/14 176/9 176/19 183/4 183/14 184/7 184/9 184/21 185/2 185/10 186/2 186/24 186/25 187/1 187/15 188/3 188/9 haven't [2] 116/5 165/19 having [8] 52/22 59/4 59/5 62/3 134/20 167/15 178/6 179/4 he [140] 3/9 5/13 5/15 5/16 5/21 45/22 46/9 46/13 46/15 47/5 47/7 47/7 47/8 47/8 47/19 47/24 47/25 50/6 50/12 50/19 53/24 54/4 54/9 54/9 54/23 55/4 59/10 59/24 62/13 63/5 63/8 74/1 74/1 74/2 76/18 76/18 76/19 76/19 76/19 76/20 104/4 104/4 104/5 112/25 113/2 119/9 131/15 134/2 134/3 135/3 137/14 137/14 146/11 146/12 147/9 147/9 150/19 164/10 164/10 164/11 164/12 164/12 164/17 165/2 165/2 165/3 165/3 165/4 165/4 165/5 165/6 165/12 165/12 165/13 165/13 165/14 165/15 165/15 165/15 165/22 166/1 166/2 166/3 166/4 166/7 166/8 166/10 166/11 166/12 166/13 166/15 166/16 166/22 167/1 167/1 167/2 167/15 167/20 167/24 167/25 168/6 168/9 168/14 168/15 168/15 168/19 168/20 168/20 168/21 168/22 173/19 174/5 176/10 178/14 179/2 179/10 179/11 179/12 179/16 179/18 179/19 179/20 179/21 179/25 180/10 180/11 180/12 180/13 180/14 180/16 180/17 180/18 180/19 180/21 180/21 181/4 181/5 181/19 182/3 182/5 he'd [1] 167/21 he's [24] 5/12 5/23 46/14 46/15 76/14 76/17 76/18 85/17 116/19 119/7 122/18 131/10 137/10 137/17 155/12 165/10 165/10 165/11 166/24 168/3 168/18 168/19 168/19	

H		I	
Case 15-cv-05834-JCJ Document 45 Filed 05/16/17 Page 204 of 229		I've [8] 2/18 56/7 58/8	
home... [11] 147/6 164/21		131/10 106/8 120/3 102/19	
166/4 166/4 166/25 170/5		176/23	
171/7 171/15 175/4 175/15		idea [6] 13/25 42/1 49/9	
180/2		176/9 178/23 178/24	
homemaker [1] 163/13		identification [2] 38/23	
homeowner's [1] 19/17		120/4	
homeowners [1] 62/3		identified [8] 21/8 30/6	
homework [1] 65/14		46/4 47/19 49/6 126/20	
honest [1] 85/8		149/20 149/23	
honestly [1] 88/24		identifier [1] 31/5	
honor [76] 2/4 2/8 2/10 2/20		identifies [6] 30/22 124/11	
2/23 4/6 4/18 5/2 5/10 6/7		127/19 127/20 150/4 155/25	
6/24 36/12 36/24 40/15		identify [12] 4/22 7/3 21/9	
51/14 68/25 69/10 69/11		26/15 31/18 33/14 34/11	
69/18 73/3 73/10 73/11 74/7		37/11 48/17 48/20 127/22	
74/13 83/14 85/17 98/18		128/10	
108/4 110/22 110/25 112/24		identifying [2] 21/11 73/22	
113/6 113/10 116/13 116/24		if [143] 2/10 3/12 4/12 4/14	
117/1 122/17 122/23 123/21		4/15 4/19 5/2 5/20 6/18 9/5	
124/1 131/9 133/24 134/24		12/2 12/13 14/6 15/6 15/8	
135/6 135/10 136/4 136/8		15/12 15/18 16/19 16/21	
137/8 138/19 139/4 140/13		19/9 23/19 31/7 32/23 38/23	
143/14 144/14 151/23 152/3		42/16 43/6 45/1 46/13 48/3	
159/18 161/25 162/8 176/17		48/6 49/11 49/12 50/19	
176/19 176/25 177/21 182/16		52/25 59/8 59/23 60/10 62/1	
182/23 182/25 183/3 183/9		65/6 68/10 68/25 69/25 70/8	
183/21 184/4 184/19 185/9		70/15 71/3 73/24 77/2 77/9	
185/21 186/23 187/8 187/9		77/12 77/14 77/23 78/18	
188/7		79/14 85/8 85/10 86/14	
Honor.BY [2] 183/2 183/21		88/13 89/1 89/9 89/13 89/15	
HONORABLE [1] 1/10		90/6 90/8 90/12 90/13 90/14	
honored [1] 144/18		90/23 90/24 91/21 92/1 92/3	
hope [1] 113/20		92/7 92/18 93/1 93/3 93/24	
hoping [1] 46/20		94/12 97/8 97/9 97/19 98/5	
horrible [3] 64/8 65/7 77/22		98/10 98/13 100/3 100/5	
host [2] 90/18 94/15		103/7 103/8 103/19 104/6	
hour [1] 167/23		105/4 105/7 105/11 106/1	
hours [4] 66/16 66/21 84/15		106/2 106/5 109/24 110/12	
168/23		111/19 113/18 115/18 119/11	
house [67] 5/12 10/1 10/6		119/24 120/16 120/21 122/8	
18/18 19/4 19/5 19/7 19/12		128/21 130/10 130/17 131/1	
19/13 19/14 19/23 50/8		133/15 135/3 137/22 139/3	
50/21 50/21 51/17 51/17		140/10 140/18 141/2 142/8	
52/6 52/7 52/9 53/12 53/13		142/18 144/13 147/24 148/8	
53/13 53/25 58/9 58/12		148/18 148/19 149/5 149/6	
58/14 59/11 59/11 63/14		149/18 151/6 152/8 154/4	
63/22 65/8 65/24 66/5 79/20		159/3 159/7 161/6 163/9	
118/5 118/14 119/23 164/15		168/17 173/18 174/1 175/22	
169/20 169/22 169/24 170/1		181/14 181/19 186/2 187/5	
170/1 170/8 170/9 170/10		187/23 188/6	
170/11 171/16 171/23 172/16		ignored [1] 151/24	
172/17 172/19 172/22 172/25		III [1] 1/14	
173/9 173/10 174/1 174/18		illegal [1] 134/4	
174/20 175/6 175/20 175/23		Illinois [2] 119/8 119/10	
176/1 176/3 176/7 177/25		illustrate [1] 131/5	
179/4		illustrative [1] 160/9	
household [3] 123/25 124/13		image [1] 71/8	
162/25		imagine [2] 46/25 51/20	
how [87] 11/23 13/15 13/21		immediately [6] 19/24 58/18	
14/17 25/1 25/18 28/21 39/9		58/19 77/24 79/22 174/10	
40/6 40/16 42/1 42/7 46/8		impact [4] 63/23 64/3 168/17	
49/9 49/11 50/7 51/7 51/7		171/20	
51/14 54/11 54/15 55/17		implied [1] 128/4	
59/7 59/7 60/6 63/17 64/22		important [1] 56/5	
65/5 65/5 79/7 79/14 79/16		imposed [1] 167/5	
81/11 81/22 84/10 88/22		impression [1] 79/12	
88/24 89/2 89/6 90/25 91/6		improve [1] 168/10	
91/13 91/14 91/16 93/9		improved [1] 87/25	
93/19 93/19 93/21 94/14		improvement [1] 168/7	
94/14 94/18 95/14 95/15		improvements [2] 10/2 19/4	
97/17 102/15 103/5 103/5		in [428] 1/1 2/9 2/12 3/15	
		3/15 3/18 3/19 4/16 5/12	

I	Case 2:15-cv-05834-JCJ Document 45 Filed 05/16/17 Page 205 of 229	intended [2] 2/21 112/15 interest [56] 3/21 9/18 10/20 interest [56] 10/22 10/23 13/23 15/13 16/12 16/15 16/24 20/11 20/11 22/13 22/13 28/15 28/16 32/9 34/25 35/6 38/6 38/14 49/9 49/12 54/11 55/8 56/18 72/2 72/18 72/25 129/23 138/9 141/12 144/20 144/23 145/2 145/3 145/6 145/17 145/21 145/22 149/13 151/18 152/1 152/24 153/9 154/18 154/21 155/16 156/2 157/5 157/6 157/13 163/4 177/3 178/17 179/13 interest-only [2] 9/18 10/20 interface [1] 9/10 interfere [3] 68/3 100/6 100/7 Interpretation [3] 70/21 71/1 160/24 Interrogatories [1] 116/11 into [29] 5/7 8/25 9/15 9/20 19/14 32/14 39/25 51/9 51/19 64/5 70/24 77/7 77/21 80/8 80/23 82/5 89/2 91/13 97/24 105/17 105/18 110/17 127/8 135/13 144/11 167/24 172/23 175/17 183/10 introduced [1] 36/22 introduction [1] 126/22 investment [1] 124/14 invoice [1] 107/12 invoices [1] 107/17 irrelevant [1] 185/5 irritable [1] 168/22 IRS [1] 86/22 is [348] 3/3 3/15 4/11 4/20 6/24 7/13 7/15 7/16 8/3 10/13 12/6 12/8 12/13 13/2 13/5 13/17 14/15 15/22 15/23 17/7 17/9 17/10 17/23 18/18 19/15 20/1 20/8 20/9 21/11 21/19 21/22 21/23 22/2 22/9 23/13 24/3 24/6 25/23 26/5 26/11 27/9 27/14 27/17 27/20 29/6 29/8 29/25 30/2 30/6 30/14 30/17 30/18 30/21 31/1 31/3 31/8 31/10 32/7 32/15 33/8 33/17 33/19 34/6 35/18 36/7 36/23 36/24 37/8 37/16 38/17 40/13 41/17 41/20 42/3 43/21 44/1 44/21 45/5 46/11 46/23 46/24 47/24 47/25 48/14 48/23 48/24 49/1 49/5 49/8 49/14 51/6 51/17 51/23 52/6 52/8 53/12 53/13 53/13 53/16 53/25 55/12 55/15 55/17 55/18 56/10 57/2 57/8 57/10 57/11 58/9 58/10 58/13 58/21 59/11 59/21 60/12 60/15 60/18 60/19 62/12 62/17 62/21 62/24 64/21 65/8 65/17 65/23 65/24 66/14 66/18 66/19 67/16 67/18 67/24 67/25 68/5 68/19 68/22 69/2 70/9 70/20 71/2 71/9 71/10 73/12 73/18 73/20 75/24 76/3 76/15 76/22 77/12 77/15 77/25 78/11 78/25 79/8 80/17 80/18 80/19 82/21
in... [419] 6/12 6/24 7/22 8/1 8/19 11/2 11/21 12/9 12/14 13/9 13/10 13/11 13/19 14/6 14/6 15/8 15/14 15/22 16/11 17/17 17/25 18/11 18/18 18/20 19/7 19/21 19/22 20/25 21/3 21/23 22/24 23/4 23/7 23/19 24/3 24/17 24/21 26/9 26/11 28/7 29/19 29/21 29/22 30/2 30/3 30/6 30/9 30/14 30/17 30/21 31/16 31/19 32/6 32/10 32/17 33/1 33/5 34/1 34/9 34/12 34/25 35/4 35/21 36/16 38/10 39/4 41/12 41/14 41/21 41/25 43/5 43/7 43/13 43/15 44/10 44/14 44/15 44/23 45/13 45/17 47/5 47/6 47/22 47/24 48/4 48/8 49/9 49/14 51/5 51/6 51/20 52/4 53/9 54/5 54/19 55/2 55/19 56/2 57/13 57/20 58/8 58/15 60/13 61/14 61/16 61/17 61/22 62/15 63/14 63/17 63/18 63/20 65/25 66/14 66/14 66/15 66/22 67/7 67/22 68/2 68/5 68/7 68/12 68/14 68/16 68/17 69/12 70/1 70/6 70/10 70/19 70/20 71/21 72/7 72/11 72/13 74/20 74/23 75/2 75/18 76/2 76/9 76/11 76/19 77/2 78/2 81/13 81/13 81/19 82/1 82/8 82/13 82/24 83/19 84/1 84/12 84/13 84/20 85/10 85/12 86/5 87/3 87/4 87/12 87/23 88/5 88/5 88/8 89/14 89/23 90/1 90/16 90/17 90/21 91/4 91/14 92/5 92/7 93/10 93/17 94/23 94/25 95/4 95/11 95/14 95/19 96/17 96/18 97/13 97/14 97/18 97/23 98/5 98/10 98/12 98/14 98/24 99/7 100/13 100/25 101/16 101/19 103/12 103/19 103/22 104/11 105/5 105/23 106/2 107/4 108/9 108/22 108/24 109/2 109/5 109/8 111/18 111/24 112/8 113/2 114/6 114/6 114/9 114/16 114/18 115/2 116/5 116/9 116/15 116/17 117/10 118/5 118/7 118/14 118/15 118/22 119/2 119/7 119/9 119/11 119/23 121/25 122/11 122/17 123/2 123/10 123/17 124/11 124/20 126/1 126/10 126/14 126/22 127/8 127/19 127/22 128/2 128/9 128/12 128/16 128/19 128/21 129/4 129/21 130/6 130/19 130/20 131/23 132/1 132/13 132/15 134/9 134/13 134/20 135/15 135/20 136/17 138/4 138/16 138/25 139/7 139/12 140/25 141/9 141/13 141/16 141/17 144/2 144/10 144/17 145/7 146/1 146/2 146/11 147/24 148/19 148/20 148/22 149/7 149/11 149/18 149/23 150/3 150/11 150/12	150/13 151/9 151/14 151/25 152/11 152/18 152/20 153/6 153/13 153/21 154/7 154/10 154/11 154/12 154/14 154/17 154/22 155/1 155/5 155/5 156/5 156/23 158/1 158/18 158/24 159/8 159/24 160/5 160/22 161/2 161/15 161/16 161/19 161/22 163/4 163/17 163/24 164/8 164/16 164/23 165/6 165/21 165/23 166/3 166/7 166/21 166/23 166/24 167/1 167/2 167/3 167/4 167/18 167/20 167/21 167/21 168/11 168/12 168/14 168/21 169/10 169/16 169/23 169/24 170/6 170/10 170/13 170/15 171/12 171/16 171/18 171/21 171/22 171/22 171/23 172/1 172/17 172/19 172/21 172/22 172/24 173/5 173/6 173/7 173/9 173/10 173/25 174/3 174/12 175/12 176/11 176/20 177/1 177/3 177/12 178/9 178/9 180/7 181/22 183/6 183/20 184/9 184/13 184/23 185/1 185/2 185/4 186/9 186/12 186/13 187/12 187/22 188/9 229/19 in-house [4] 5/12 118/5 118/14 119/23 in-laws [1] 165/21 Inc [1] 67/19 include [1] 159/13 included [1] 138/25 includes [1] 101/5 including [3] 112/5 112/16 154/17 income [11] 67/8 68/7 68/11 68/15 68/22 86/21 87/17 87/19 88/5 96/1 100/22 incorrectly [3] 21/9 21/11 138/5 increase [10] 32/8 32/15 32/17 32/18 32/23 34/25 139/14 156/25 158/18 167/18 increased [9] 132/3 132/8 132/10 132/14 132/20 145/7 145/22 152/24 158/2 increases [2] 139/8 139/12 incur [1] 57/24 independent [1] 8/17 indicate [8] 21/4 23/8 30/25 33/11 37/8 47/5 49/15 56/10 indicates [7] 30/18 115/14 120/14 120/24 121/9 124/16 124/20 indicating [1] 3/8 indication [2] 30/2 164/20 information [3] 28/13 37/1 90/20 informed [5] 27/1 28/8 31/4 38/16 132/6 informing [2] 35/10 146/25 initially [3] 129/22 129/25 130/16 inside [1] 170/12 instance [1] 114/21 instances [1] 18/10 insurance [11] 14/12 46/11 61/1 61/14 62/15 62/18 63/1 63/18 106/3 146/13 176/21 insurer [1] 19/17	

I				J			
Case 2:15-cv-05834-JCJ Document 45 Filed 05/16/17 Page 206 of 229							
is... [187]	84/13 86/5 86/10	38/7 38/17 40/1 40/9 41/20	165/22 165/22 166/9 167/5	it's [103]	12/1 26/7 27/5		
86/12 86/18 87/10 87/10		42/5 42/18 42/19 43/1 43/17	168/9 168/9 168/10 168/21	29/20 29/20 36/17 42/6 49/8			
88/5 88/13 88/13 88/14		46/3 47/7 48/3 48/17 48/24	168/22 169/19 169/19 169/21	49/24 51/10 51/15 54/13			
88/21 88/21 88/25 89/6 90/6		49/8 49/19 50/19 50/22 51/2	169/21 169/24 170/7 170/11	55/23 55/25 56/5 59/9 62/18			
90/8 90/13 90/17 90/18 91/7		51/7 51/9 51/19 51/23 51/24	170/12 171/2 171/18 172/11	63/3 65/3 65/16 66/1 66/10			
92/4 92/11 93/5 93/11 93/12		52/20 52/25 53/1 53/6 53/9	173/5 173/6 173/7 173/7	66/10 66/14 66/14 66/20			
93/15 93/15 93/18 93/19		53/12 53/21 53/24 54/18	174/5 174/6 174/8 174/12	67/13 70/19 71/24 73/8			
93/22 95/22 96/1 96/19		55/5 55/18 56/1 56/1 56/9	176/22 177/3 177/4 181/21	73/25 76/22 85/11 85/19			
96/23 97/4 97/8 98/4 100/4		56/12 56/15 56/18 57/8	182/8 184/24 185/14 186/17	86/24 87/3 87/6 87/10 89/3			
100/6 101/13 102/18 104/14		57/10 57/11 57/12 58/25	186/21 186/22 187/6 187/12	89/16 90/11 90/12 90/13			
106/20 106/21 106/21 106/22		59/1 59/3 59/7 61/10 62/6	187/20	90/24 91/6 91/9 93/18 94/5			
107/11 107/20 109/4 109/20		63/15 64/5 64/6 64/7 64/22		94/11 94/11 94/12 94/13			
110/5 110/12 110/16 110/19		65/9 65/17 65/21 65/21		98/14 98/15 106/2 106/23			
110/20 110/20 112/11 112/22		65/22 66/1 66/6 66/7 66/13		106/24 106/24 110/14 110/19			
114/1 114/2 114/4 114/7		66/18 69/8 70/7 74/10 74/11		110/19 110/21 113/1 113/2			
114/11 114/14 114/15 114/18		75/13 75/19 76/2 76/3 76/5		114/4 118/4 118/5 118/13			
115/23 116/8 116/15 116/17		77/10 77/14 77/19 78/2		118/24 119/25 121/1 121/18			
117/16 117/16 117/19 117/23		78/12 78/24 80/15 80/19		121/21 124/16 124/21 126/20			
118/1 118/10 118/18 118/20		84/9 84/10 84/18 85/6 85/6		127/12 128/4 130/14 133/12			
119/13 120/19 120/25 121/24		85/7 86/13 86/14 86/15 87/1		133/16 133/25 134/5 137/1			
122/2 122/19 123/5 124/13		87/10 87/22 88/2 88/4 88/13		137/11 139/7 140/15 143/23			
125/14 125/19 126/14 127/10		88/13 88/22 89/1 89/2 89/18		146/1 149/5 149/18 153/6			
128/1 128/2 128/7 128/8		90/12 90/14 90/15 91/1 91/6		154/11 155/5 155/6 155/20			
128/9 128/16 128/21 129/4		91/6 91/7 92/17 92/20 92/21		155/21 158/4 159/6 169/22			
129/5 130/12 130/22 131/1		93/1 93/3 94/6 94/9 94/9		173/18 187/10 188/8			
131/4 131/11 132/18 133/6		94/10 94/23 97/8 97/17		item [4]	96/16 96/17 110/12		
133/9 133/22 134/2 134/5		97/20 97/23 97/24 98/9		159/2			
135/4 135/14 135/15 135/19		98/14 98/15 98/17 100/18		itemization [3]	13/10 24/21		
135/19 136/5 136/13 136/15		101/14 102/13 102/15 103/1		42/3			
136/16 137/11 137/22 138/20		103/2 103/9 103/19 103/20		itemized [2]	59/9 107/17		
138/21 138/25 139/11 141/1		103/20 104/1 104/4 104/7		items [1]	13/9		
141/8 141/11 141/25 142/1		104/10 104/16 104/16 104/19		its [6]	48/1 48/20 126/13		
143/12 143/12 143/16 143/17		105/3 105/4 105/9 105/17		126/15 159/1 187/22			
144/8 144/22 144/24 145/12		105/18 105/20 106/3 106/11		itself [2]	36/16 120/7		
145/13 145/17 145/18 149/12		106/13 106/18 106/24 107/2					
150/6 150/9 150/11 151/19		107/14 108/20 108/21 109/12					
153/16 153/21 154/5 154/23		109/16 109/19 109/21 109/22					
155/7 155/9 155/14 155/15		109/25 109/25 110/2 110/5					
155/19 155/25 156/1 156/5		110/6 110/8 110/9 110/10					
156/9 156/15 156/23 158/14		110/11 110/18 111/5 111/17					
158/24 159/14 161/3 163/2		111/19 111/23 112/1 112/2					
163/19 163/20 165/18 166/9		112/9 112/14 112/17 113/2					
166/19 167/1 168/14 168/20		114/1 114/2 117/12 119/18					
168/22 169/24 172/16 175/21		120/1 120/3 120/10 120/12					
176/15 176/22 176/25 185/3		120/14 120/24 120/24 121/7					
185/9 186/3 188/10 229/18		121/9 122/4 122/17 122/21					
isn't [8]	56/1 91/9 103/1	124/11 124/16 124/20 125/7					
110/17 151/15 152/6 152/14		125/9 126/23 127/19 127/19					
154/18		127/22 128/10 130/1 130/17					
issue [2]	93/23 187/7	130/19 130/22 131/4 131/11					
issued [1]	181/21	131/20 132/2 132/3 132/7					
issues [3]	67/4 67/8 173/14	132/10 132/13 132/15 132/20					
it [443]	3/15 3/21 4/4 4/6	132/22 132/24 133/1 133/1					
4/17 6/14 6/20 9/2 9/6 9/6		133/11 134/3 134/9 134/22					
9/18 10/5 10/11 10/20 10/23		134/24 136/2 136/6 136/12					
10/24 10/25 13/23 14/6		136/15 136/19 137/1 137/3					
14/14 14/20 15/14 15/16		137/15 137/16 138/1 138/5					
16/5 16/8 16/11 16/14 16/18		138/6 138/6 138/7 138/13					
16/21 17/9 18/1 18/13 18/19		139/2 139/12 140/1 140/11					
18/23 19/7 19/9 19/14 20/1		140/15 140/18 140/22 141/1					
20/8 20/9 20/10 20/25 21/3		141/1 141/16 146/2 146/10					
22/2 22/12 22/16 22/19 23/4		146/13 147/1 147/2 147/2					
23/7 23/23 24/6 24/10 25/3		147/3 147/5 147/19 148/8					
25/9 25/13 25/14 25/23 27/1		149/6 149/18 150/8 150/20					
27/9 27/14 27/20 28/1 28/22		152/10 152/19 152/21 153/5					
29/6 31/8 31/22 31/25 32/3		153/6 153/8 153/20 153/23					
32/6 32/25 33/6 33/14 33/17		154/19 154/24 155/23 155/25					
34/6 34/11 34/15 34/18		156/7 156/8 156/11 156/13					
34/21 34/24 35/3 35/4 35/9		156/20 156/20 157/1 157/12					
35/11 35/13 35/24 35/25		157/14 157/23 157/25 158/1					
36/8 37/8 37/11 37/17 38/6		158/8 158/20 159/16 160/11					
		160/13 161/7 161/17 161/20					
		161/22 161/24 165/1 165/21					

<div> <div>J</div> <div> <div>Case 2:15-cv-05834-JCJ Document 45 Filed 05/16/17 Page 207 of 229</div> <div> <div>Jim [1]</div> <div>50/7</div> </div> </div> <div> <div>Jimmy [1]</div> <div>79/7</div> </div> <div> <div>jobs [1]</div> <div>99/15</div> </div> <div> <div>JOHN [10]</div> <div>1/14 30/14 30/18 46/2 56/9 141/8 141/14 141/16 143/8 159/25</div> </div> <div> <div>John Carroll [6]</div> <div>30/14 30/18 46/2 56/9 141/8 159/25</div> </div> <div> <div>John Carroll's [2]</div> <div>141/14 143/8</div> </div> <div> <div>Josette [1]</div> <div>7/11</div> </div> <div> <div>JOYNER [1]</div> <div>1/10</div> </div> <div> <div>judge [6]</div> <div>3/7 3/8 3/11 3/16 42/5 149/20</div> </div> <div> <div>judicial [1]</div> <div>5/6</div> </div> <div> <div>July [6]</div> <div>31/9 49/24 83/22 114/10 129/10 147/23</div> </div> <div> <div>July 15th [2]</div> <div>114/10 147/23</div> </div> <div> <div>July 24th [2]</div> <div>31/9 129/10</div> </div> <div> <div>June [5]</div> <div>29/8 88/23 89/14 98/24 129/10</div> </div> <div> <div>June 1st [1]</div> <div>98/24</div> </div> <div> <div>June 5th [2]</div> <div>29/8 129/10</div> </div> <div> <div>jury [2]</div> <div>1/11 3/11</div> </div> <div> <div>just [127]</div> <div>3/2 7/22 8/14 12/17 19/4 19/5 26/7 27/21 28/5 40/4 41/18 42/5 42/10 44/2 44/13 45/9 46/5 46/21 46/25 51/4 51/9 51/23 51/24 52/1 52/11 52/12 52/13 52/14 52/20 52/21 52/23 54/14 54/23 55/8 55/13 55/14 55/18 55/20 58/20 58/20 58/25 59/9 59/12 59/21 62/9 62/10 63/21 65/11 65/15 65/25 66/1 66/12 66/12 66/13 66/14 66/15 70/24 75/19 77/19 78/6 79/13 79/23 80/3 83/2 84/17 87/14 88/20 91/16 93/18 94/11 95/3 96/10 99/7 99/15 101/14 101/24 103/10 103/22 104/9 105/5 108/3 108/4 110/13 111/19 116/11 120/23 122/13 122/14 134/2 143/2 145/24 147/11 149/5 149/19 152/15 152/15 154/20 155/10 155/17 158/4 158/20 160/8 160/17 161/1 161/15 161/20 164/5 164/7 164/10 164/12 164/13 164/18 165/2 165/4 165/5 165/13 165/14 165/22 166/2 166/12 167/25 168/7 169/8 172/24 174/5 187/14 187/19</div> </div> </div>	<div> <div> <div>174/17 175/9</div> <div> <div>kids [1]</div> <div>11/15 15/5</div> </div> </div> <div> <div>kill [1]</div> <div>187/15</div> </div> <div> <div>kind [16]</div> <div>9/17 42/8 45/1 58/22 59/21 92/9 106/5 110/21 126/13 126/15 146/13 146/13 147/3 166/2 169/22 174/6</div> </div> <div> <div>kinds [1]</div> <div>64/14</div> </div> <div> <div>knew [7]</div> <div>36/5 46/13 59/22 82/22 137/14 166/14 175/2</div> </div> <div> <div>know [94]</div> <div>2/10 4/7 4/10 6/18 7/23 14/6 17/7 19/5 19/6 19/9 23/22 25/6 25/6 28/4 37/19 38/17 38/21 38/22 41/7 41/13 46/4 46/8 46/8 46/11 46/16 46/17 46/21 47/7 48/3 48/5 48/6 50/7 51/18 52/23 53/2 53/21 53/23 54/13 54/14 54/16 55/17 58/11 58/20 58/25 64/22 65/8 65/21 65/25 66/6 66/9 66/16 66/17 70/15 85/12 85/13 86/23 89/16 90/12 90/15 94/6 94/19 99/10 104/9 104/10 106/5 106/17 110/14 110/17 112/25 116/3 116/21 119/7 124/4 147/2 147/3 147/8 155/3 160/8 164/16 164/22 166/18 168/2 170/18 173/6 173/16 173/16 174/1 174/11 176/16 179/10 179/12 181/14 182/1 182/3</div> </div> <div> <div>know if [1]</div> <div>2/10</div> </div> <div> <div>knowing [2]</div> <div>75/6 166/3</div> </div> <div> <div>knowledge [2]</div> <div>135/2 177/16</div> </div> <div> <div>knows [1]</div> <div>176/10</div> </div> <div> <div>Korogluyan [21]</div> <div>43/3 47/17 47/18 47/19 50/3 54/20 55/1 58/6 61/12 62/1 62/13 63/25 68/16 105/2 113/11 113/15 113/18 114/4 123/23 131/21 163/25</div> </div> <div> <div>Korogluyan's [1]</div> <div>47/21</div> </div> </div>	<div> <div> <div>lawyer [16]</div> <div>38/8 45/20 46/14 46/15 46/18 47/8 47/11 81/4 81/23 81/25 82/3 82/15 82/18 82/21 85/11 119/22</div> </div> <div> <div>lawyer who [1]</div> <div>82/21</div> </div> <div> <div>lawyers [1]</div> <div>81/9</div> </div> <div> <div>leading [2]</div> <div>65/2 113/1</div> </div> <div> <div>learned [1]</div> <div>47/11</div> </div> <div> <div>least [6]</div> <div>18/9 72/14 89/22 91/23 92/3 107/6</div> </div> <div> <div>leave [4]</div> <div>108/12 108/16 108/18 172/18</div> </div> <div> <div>left [8]</div> <div>15/19 45/22 46/19 108/15 108/17 119/18 124/18 167/15</div> </div> <div> <div>leg [1]</div> <div>145/7</div> </div> <div> <div>legal [6]</div> <div>54/6 55/9 56/2 57/12 76/15 134/25</div> </div> <div> <div>lender [9]</div> <div>15/24 32/8 70/17 126/24 150/25 151/1 151/12 159/1 177/2</div> </div> <div> <div>lender's [2]</div> <div>32/16 139/11</div> </div> <div> <div>lenders [1]</div> <div>177/17</div> </div> <div> <div>less [4]</div> <div>72/14 73/22 73/23 170/22</div> </div> <div> <div>let [17]</div> <div>2/22 18/17 34/6 39/21 51/18 65/1 80/3 91/20 99/10 104/9 120/12 130/8 142/8 159/4 161/20 177/22 184/1</div> </div> <div> <div>let's [21]</div> <div>2/6 4/5 12/10 18/17 19/2 33/7 40/9 54/14 62/10 62/10 69/22 77/10 77/15 85/25 85/25 89/20 105/4 107/11 150/21 156/22 159/6</div> </div> <div> <div>letter [57]</div> <div>20/2 20/6 21/5 21/17 21/23 22/3 22/7 23/9 23/11 23/21 23/23 25/24 26/3 27/10 27/14 27/23 28/19 29/8 29/12 29/23 30/17 31/9 31/13 33/19 33/23 36/21 37/15 38/7 38/16 41/13 41/14 42/17 42/18 45/3 45/5 50/8 52/1 53/6 60/12 75/4 75/24 78/15 78/19 111/16 112/22 129/5 129/16 138/24 141/14 141/25 142/25 153/1 154/12 155/21 156/8 157/20 158/12</div> </div> <div> <div>letters [6]</div> <div>37/24 38/16 77/13 77/18 128/17 129/11</div> </div> <div> <div>level [2]</div> <div>8/9 163/15</div> </div> <div> <div>liability [1]</div> <div>115/7</div> </div> <div> <div>Liberty [1]</div> <div>1/15</div> </div> <div> <div>license [1]</div> <div>119/9</div> </div> <div> <div>lie [1]</div> <div>54/2</div> </div> <div> <div>life [18]</div> <div>51/21 52/22 63/24 64/6 64/6 65/5 81/13 81/20 82/1 85/15 100/6 109/22 109/24 138/11 165/11 166/12 178/9 178/10</div> </div> <div> <div>lifespan [1]</div> <div>109/14</div> </div> <div> <div>like [72]</div> <div>17/4 22/14 28/16 28/22 29/2 42/19 46/6 46/8 46/18 50/22 51/4 51/5 51/6 51/7 51/9 51/10 52/3 52/12 52/20 52/21 52/21 53/2 53/4 53/9 53/15 54/4 54/18 59/4 62/8 63/2 64/24 65/16 65/17 65/19 66/15 79/5 79/8 84/9 84/14 85/11 87/3 95/17 96/10 97/25 103/20 104/4</div> </div> </div>
<div> <div>K</div> <div> <div>keep [10]</div> <div>4/6 52/3 59/21 101/10 101/11 110/9 122/21 168/5 184/11 184/12</div> </div> <div> <div>keeping [2]</div> <div>90/11 166/25</div> </div> <div> <div>keeps [2]</div> <div>85/9 166/1</div> </div> <div> <div>kept [8]</div> <div>19/22 50/19 51/4 52/11 52/17 148/23 152/8 152/8</div> </div> <div> <div>kid [1]</div> <div>65/14</div> </div> <div> <div>kids [22]</div> <div>19/4 36/6 51/2 52/12 59/2 59/3 65/7 65/12 66/4 101/25 162/23 165/17 165/20 171/9 171/20 172/15 172/19 174/15 174/16 174/16</div> </div> </div>	<div> <div> <div>lack [2]</div> <div>77/7 165/4</div> </div> <div> <div>lamb [1]</div> <div>110/13</div> </div> <div> <div>language [4]</div> <div>12/8 70/20 138/21 138/25</div> </div> <div> <div>lapsed [1]</div> <div>116/1</div> </div> <div> <div>large [1]</div> <div>170/9</div> </div> <div> <div>larger [1]</div> <div>171/15</div> </div> <div> <div>last [19]</div> <div>12/9 14/22 23/23 25/3 25/4 34/4 35/17 36/21 41/1 61/18 61/23 78/18 108/19 109/25 110/2 112/13 126/23 141/12 149/8</div> </div> <div> <div>late [5]</div> <div>16/21 29/20 88/11 109/2 109/5</div> </div> <div> <div>later [12]</div> <div>35/23 38/7 39/8 43/15 46/23 47/14 79/19 89/13 167/23 174/24 175/16 175/17</div> </div> <div> <div>law [15]</div> <div>2/15 4/9 32/22 57/10 112/4 119/9 133/25 136/24 137/11 139/18 159/9 159/11 185/25 186/9 186/12</div> </div> <div> <div>lawful [1]</div> <div>134/3</div> </div> <div> <div>laws [3]</div> <div>137/2 137/4 165/21</div> </div> <div> <div>lawsuit [5]</div> <div>62/15 62/16 62/19 63/3 159/15</div> </div> </div>	

M	Document 45 Filed 05/16/17	Page 209 of 229
<p>me... [121] 47/7 47/9 50/6 50/14 51/9 51/18 51/19 53/5 53/5 53/11 53/24 54/4 54/9 54/9 54/23 55/5 57/8 58/11 59/4 59/5 59/6 59/7 59/8 59/9 62/10 64/5 64/13 64/21 65/1 66/6 66/14 66/14 66/15 68/6 69/25 77/12 77/13 80/3 81/16 83/3 83/8 84/17 84/21 85/10 85/13 87/6 87/7 87/9 87/22 91/20 93/15 94/3 94/18 94/21 95/23 96/8 96/10 98/9 98/17 99/10 102/10 102/18 103/5 104/4 104/6 104/6 104/9 107/19 108/3 110/12 112/9 113/20 118/4 118/10 118/13 119/12 120/1 120/11 120/12 120/13 120/17 121/9 122/9 123/1 124/9 124/11 125/16 128/5 128/14 129/3 130/8 132/1 133/22 134/18 139/19 140/10 142/8 142/19 142/24 143/3 147/11 149/2 149/22 150/4 152/18 153/23 154/22 159/2 159/4 159/10 161/20 162/13 166/2 166/19 166/19 167/15 168/18 177/22 181/19 183/16 184/1 meal [1] 87/8 mean [31] 43/16 51/9 51/18 51/21 52/17 54/2 59/4 65/7 65/11 76/14 82/13 85/8 88/18 96/16 100/4 115/14 125/21 126/24 147/4 148/1 148/15 149/5 153/5 155/9 157/10 161/7 166/8 166/18 173/1 173/2 183/17 meaning [2] 17/23 122/12 means [3] 88/13 91/7 95/14 meant [2] 132/18 138/2 medical [2] 102/11 104/2 medicating [1] 103/13 meeting [2] 88/16 174/24 memo [1] 3/8 mentally [1] 59/1 mention [1] 128/16 mentioned [5] 62/16 103/12 119/3 119/5 150/8 mere [2] 5/21 76/15 message [3] 45/22 46/19 46/19 messages [1] 45/22 met [2] 114/17 114/22 method [1] 160/9 microfiche [1] 71/7 microfilm [1] 71/7 microphone [1] 6/19 middle [1] 124/12 midnight [1] 105/6 might [3] 98/19 167/23 186/14 milligrams [2] 106/18 106/20 million [4] 97/13 97/13 97/14 97/15 mind [5] 60/10 103/10 113/2 133/15 141/2 mine [3] 37/18 53/12 59/11 minimum [9] 15/13 16/8 16/16 18/4 18/11 20/12 22/14 28/16 74/4</p>	<p>minor [1] 8/13 minus [2] 45/3 160/15 minute [8] 69/1 69/2 69/7 95/1 128/24 147/11 159/4 171/9 minutes [8] 4/2 52/21 69/13 143/23 149/8 158/21 167/22 173/12 mirrors [1] 91/8 Misc [4] 86/3 86/10 95/22 96/2 Miscellaneous [1] 67/13 miserable [3] 168/18 168/18 168/19 misinterpreted [1] 133/2 mispronounce [1] 113/19 miss [1] 171/23 missed [12] 64/18 89/21 92/13 92/13 93/25 94/2 94/4 94/5 95/9 98/2 98/3 99/3 missing [3] 64/4 64/4 97/4 misstated [1] 156/19 mistake [1] 130/18 misunderstood [1] 154/3 mixture [1] 104/3 model [5] 89/4 94/6 94/7 94/19 98/15 models [1] 94/16 moment [1] 15/11 money [17] 18/25 19/3 19/5 46/11 46/12 52/24 54/4 57/1 62/12 76/6 89/25 90/22 91/23 98/9 180/15 180/15 181/21 month [15] 11/25 13/20 15/14 16/12 17/11 36/4 39/16 40/7 40/13 49/11 53/1 75/2 77/13 108/20 151/5 monthly [19] 12/21 16/2 16/16 18/6 18/11 29/2 40/1 70/16 77/3 77/6 77/11 77/13 77/14 133/23 134/15 179/17 181/16 181/22 182/4 months [11] 18/3 39/10 39/11 53/7 60/8 60/8 75/6 88/8 97/16 105/21 170/22 morbid [1] 80/4 more [36] 15/13 25/11 53/20 55/7 55/15 55/17 72/14 90/22 90/22 90/22 91/24 92/3 94/24 95/19 95/20 96/7 96/11 96/14 96/14 97/20 97/23 103/20 106/24 108/7 130/21 131/11 133/25 151/16 157/19 160/8 160/12 167/19 170/22 185/3 187/15 187/19 morning [13] 2/3 2/4 2/5 85/10 101/16 101/19 117/6 119/2 119/6 146/15 160/23 166/23 168/21 mortgage [46] 10/7 10/9 10/11 12/14 12/18 36/9 41/24 43/7 44/22 47/6 48/2 53/1 57/14 70/1 71/2 71/5 72/18 117/11 117/17 118/18 119/13 121/15 121/17 121/25 122/10 123/2 133/17 134/20 136/14 136/16 136/21 137/5 139/1 155/19 155/22 159/7 159/11 161/3 163/20 176/5 176/11 176/15 177/1 178/14 178/15 179/22 mortgages [1] 82/5</p>	<p>most [3] 4/13 71/10 144/16 mostly [6] 19/12 65/3 89/17 106/6 106/9 mother [1] 7/21 motion [6] 184/21 185/2 185/3 185/4 185/6 185/8 motions [3] 2/9 2/12 2/13 mouth [1] 73/16 move [9] 61/17 131/10 135/9 150/21 171/7 175/17 183/6 183/9 184/14 moved [2] 61/22 171/5 movie [1] 51/5 movies [1] 169/23 moving [12] 6/6 43/13 60/1 69/22 116/25 131/17 137/20 140/5 146/4 160/18 175/14 177/15 Mr [40] 7/3 37/4 46/18 47/17 47/21 52/3 56/3 69/24 71/17 98/23 99/18 99/21 111/3 131/7 147/22 161/25 176/25 177/20 182/24 183/2 183/14 183/21 183/24 184/3 184/14 184/20 184/22 185/4 185/17 187/7 229/4 229/4 229/5 229/7 229/7 229/8 229/8 229/11 229/11 229/12 Mr. [50] 5/11 30/22 33/8 33/12 33/14 37/5 37/8 37/11 41/13 41/14 43/3 45/4 45/20 46/2 47/4 47/11 50/3 54/20 55/1 56/10 58/6 60/12 61/12 61/12 61/25 62/1 62/12 62/13 63/25 68/16 105/2 113/3 113/11 113/18 114/21 114/22 118/24 119/3 119/5 119/25 120/13 123/23 134/13 146/7 146/15 148/24 155/21 156/8 160/24 174/3 Mr. Carroll [11] 33/12 37/8 41/13 46/2 47/4 47/11 56/10 61/12 61/25 62/12 118/24 Mr. Carroll's [7] 30/22 33/8 33/14 37/5 37/11 119/3 119/5 Mr. Donegan [2] 5/11 119/25 Mr. Donegan's [1] 120/13 Mr. Eric [1] 45/20 Mr. Helbing [5] 41/14 45/4 60/12 114/21 114/22 Mr. Helbing's [2] 155/21 156/8 Mr. Korogluyan [14] 43/3 50/3 54/20 55/1 58/6 61/12 62/1 62/13 63/25 68/16 105/2 113/11 113/18 123/23 Mr. Tepper [7] 113/3 134/13 146/7 146/15 148/24 160/24 174/3 Mrs. [6] 162/12 162/17 169/2 169/7 173/23 181/12 Mrs. Tepper [6] 162/12 162/17 169/2 169/7 173/23 181/12 much [18] 25/1 40/6 66/12 71/12 79/16 87/2 91/22 93/19 93/21 94/17 101/11 101/12 138/7 160/2 165/19 169/3 171/15 187/12 multiply [3] 144/22 145/2 145/15 my [124] 3/15 7/9 9/18 15/16</p>

Case 2:15-cv-05834-JCJ Document 45 Filed 05/16/17 Page 210 of 229		
my... [120] 15/21 19/22 28/4 35/24 36/3 36/4 36/6 36/7 37/1 38/9 38/17 42/11 43/12 43/22 50/20 50/21 50/21 50/23 51/2 51/2 51/17 51/21 52/13 52/22 52/25 53/25 54/7 54/8 54/9 57/10 57/17 58/9 58/14 58/18 58/21 59/3 59/12 63/5 64/6 64/6 64/23 65/7 65/11 65/12 65/14 65/20 65/24 66/2 66/4 66/16 67/18 67/19 67/19 75/4 75/18 77/11 79/8 79/20 80/11 82/2 82/20 82/21 82/23 85/15 85/15 85/16 86/12 86/25 87/4 87/10 88/8 92/10 93/5 93/14 94/13 94/23 95/7 95/7 95/8 96/10 97/19 98/8 98/18 100/6 101/13 103/10 103/21 103/23 106/3 109/17 113/18 116/8 121/19 122/14 122/23 131/10 133/6 140/15 144/2 145/25 148/18 150/17 152/17 159/4 161/25 162/22 163/3 165/21 166/8 166/19 169/10 171/8 171/9 171/11 172/19 175/11 176/3 176/9 177/7 181/7 my limited [1] 145/25 myself [6] 46/4 94/19 103/11 103/19 103/22 167/6	94/24 95/2 99/25 112/14 116/25 124/20 130/13 131/17 135/5 143/12 nicer [1] 46/21 night [4] 35/23 59/23 106/3 174/24 nights [4] 85/9 103/21 174/22 175/6 nine [3] 7/12 39/11 184/16 no [216] 1/7 2/20 4/18 5/2 13/25 14/21 15/6 16/3 17/18 17/22 18/5 20/7 20/13 20/17 21/2 21/18 21/21 21/24 22/8 22/15 22/15 22/18 22/21 23/6 23/12 23/15 24/25 25/21 26/4 26/7 26/17 26/21 26/24 26/24 27/16 27/19 27/24 28/10 28/17 28/24 29/4 29/13 29/21 30/5 30/8 30/12 30/16 30/20 30/24 31/14 31/17 31/21 31/24 32/2 32/5 32/10 33/10 33/13 33/16 33/24 34/2 34/14 34/17 34/20 34/23 36/9 36/15 36/22 37/10 37/13 37/16 37/20 37/22 37/22 38/1 39/19 40/13 41/3 42/1 42/3 42/14 42/23 45/15 49/9 49/17 49/21 54/23 55/18 55/21 56/11 56/14 56/17 56/20 56/25 59/17 61/1 61/8 62/16 62/16 72/7 72/11 72/13 75/1 75/7 75/15 77/12 78/20 78/25 80/20 81/3 83/22 84/7 85/4 85/4 85/12 86/7 88/9 91/22 92/23 93/6 93/16 95/23 96/3 96/5 99/24 100/23 101/10 101/22 101/23 101/24 102/5 102/7 102/9 102/19 103/18 107/20 108/20 109/7 109/16 111/20 125/11 125/24 128/1 128/6 128/12 132/12 132/17 133/22 138/7 139/20 140/1 140/20 143/6 143/8 145/9 147/25 148/13 148/25 149/1 149/3 149/14 150/17 152/5 152/7 152/10 152/15 154/2 155/5 157/18 158/4 158/6 158/16 161/7 161/7 162/8 163/1 165/13 166/12 166/13 167/2 167/6 170/3 171/1 172/9 172/10 172/15 175/9 176/3 176/9 176/20 178/11 178/22 178/22 178/22 178/22 178/22 178/22 178/23 178/24 179/1 179/6 179/20 179/24 180/18 180/21 181/3 181/24 181/24 182/3 182/14 182/16 184/3 184/18 184/25 186/23 188/2 Nobody [1] 85/13 non [3] 1/11 86/15 135/17 Non-employee [1] 86/15 NON-JURY [1] 1/11 non-performing [1] 135/17 none [3] 108/24 153/13 154/14 nor [1] 152/13 normal [5] 58/3 59/16 61/5 64/23 64/25 normally [1] 49/11 not [190] 2/16 4/16 5/23 8/16 23/24 24/22 26/24	29/24 32/10 32/21 32/23 33/5 33/5 35/23 37/17 38/3 38/5 38/9 38/22 39/7 39/8 39/13 39/17 43/1 44/4 44/19 45/12 46/14 46/15 48/5 48/8 52/8 52/23 52/24 59/4 59/13 59/13 59/13 61/9 62/18 63/3 63/7 64/21 64/23 65/10 65/15 65/20 65/20 66/9 66/19 66/19 66/20 73/15 74/16 75/4 75/15 75/16 76/3 77/9 81/14 85/19 87/19 88/5 90/3 90/9 90/23 91/20 92/3 92/12 92/18 92/22 92/23 93/11 94/10 94/11 94/12 94/12 95/3 95/3 97/6 97/8 97/16 97/18 97/21 98/14 99/2 99/5 100/8 100/23 101/8 102/4 102/6 102/11 102/17 103/11 103/21 105/13 107/18 109/21 109/21 115/1 116/10 116/15 116/21 116/23 118/4 118/11 119/14 120/18 120/24 121/21 121/25 122/17 123/2 125/24 128/2 128/12 129/7 130/6 131/6 131/10 132/10 132/24 132/25 133/25 134/3 134/10 134/21 135/22 135/25 136/2 136/4 136/12 137/4 137/10 138/9 138/13 138/16 139/17 139/25 141/12 141/19 144/16 146/21 146/24 147/19 148/3 148/15 148/16 148/25 149/1 149/10 149/18 150/11 150/17 151/6 152/11 153/2 153/6 154/5 154/12 156/20 158/4 160/20 161/24 163/8 164/16 164/18 165/4 165/5 165/25 166/5 166/10 167/13 167/20 168/3 168/16 168/25 169/1 169/22 170/11 173/17 178/2 178/10 178/14 178/18 179/24 182/22 185/10 185/20 notarized [1] 118/24 note [13] 75/3 76/3 117/16 125/21 129/8 139/22 139/24 139/25 140/2 144/10 144/17 158/22 158/24 noted [2] 76/22 134/5 notes [3] 94/23 148/23 149/4 nothing [15] 5/3 39/15 53/14 53/25 77/17 87/4 113/6 135/7 147/5 147/7 147/14 162/1 171/6 171/10 176/23 notice [28] 5/6 27/5 41/1 41/10 41/17 41/23 42/12 42/15 45/6 45/17 49/18 78/12 122/2 122/3 123/4 127/12 129/6 135/23 155/20 156/3 164/15 167/18 167/24 174/3 184/24 185/1 185/10 185/11 noticed [5] 156/11 165/14 167/19 167/20 180/15 notices [3] 128/17 136/1 184/25 notified [6] 152/22 153/5 154/7 175/4 175/19 176/7 notify [5] 176/1 176/3 177/2 177/7 177/17 NOVA [43] 9/15 10/14 10/17 11/11 11/24 12/4 12/15
N		
nail [1] 94/5 name [6] 7/13 8/5 60/19 113/19 119/3 119/5 names [1] 7/10 Nareg [5] 47/18 47/19 47/21 113/15 163/25 Nareg Korogluayan [2] 47/18 47/19 necessarily [2] 91/20 102/24 neck [1] 66/15 need [24] 9/4 9/6 9/7 53/24 54/2 54/16 60/9 61/10 81/7 82/14 83/4 91/1 94/13 94/24 98/5 101/15 105/6 109/18 122/4 166/19 166/19 168/2 175/22 183/7 needed [13] 11/5 58/25 65/14 100/19 103/7 103/19 104/7 105/3 105/4 106/1 106/5 146/12 156/1 negotiating [1] 8/22 Neil [2] 67/20 67/20 neither [2] 133/3 152/13 nervous [3] 59/12 66/1 173/15 net [4] 3/16 3/21 86/21 89/13 network [1] 98/16 never [15] 5/11 5/13 51/10 51/12 56/7 58/8 66/7 72/25 74/24 75/13 95/16 125/16 130/4 130/4 132/6 new [7] 28/6 31/5 76/3 84/21 84/22 90/10 108/22 next [26] 24/8 24/9 24/15 74/12 76/22 84/12 85/21 87/4 88/12 88/17 88/23 89/15 90/9 91/8 91/9 91/10		

N Case 2:15-cv-05834-JCJ	94/9 140/11 140/18 184/15 Document 45 Filed 05/16/17	57/22 58/1 58/11 58/22 59/2 Page 211 of 229
<p>NOVA... [36] 12/20 12/22</p> <p>13/3 13/7 13/11 13/22 14/2 14/9 14/10 14/23 15/15 15/25 17/1 18/2 23/19 28/22 29/3 31/5 35/21 40/13 73/21 73/22 74/2 117/5 126/7 126/24 127/8 144/11 150/24 151/8 151/9 181/15 181/15 181/19 181/21 182/4</p> <p>NOVA Bank [36] 10/17 11/11 11/24 12/4 12/15 12/20 12/22 13/3 13/7 13/11 13/22 14/2 14/9 14/10 14/23 15/15 15/25 17/1 18/2 23/19 28/22 29/3 73/21 73/22 117/5 126/7 126/24 127/8 144/11 150/24 151/8 151/9 181/15 181/15 181/21 182/4</p> <p>November [13] 20/3 20/15 39/12 41/21 41/25 45/17 78/2 155/21 156/5 156/9 156/18 157/19 185/11</p> <p>November 2012 [2] 41/25 45/17</p> <p>November 2014 [3] 39/12 156/18 157/19</p> <p>November 20th [1] 156/9</p> <p>November 30th [2] 20/3 20/15</p> <p>now [120] 2/19 9/25 10/12 11/23 12/4 12/12 12/20 13/9 14/1 14/9 14/17 15/11 15/17 15/22 16/4 18/14 19/19 19/25 20/18 24/23 25/1 25/17 25/22 26/25 27/4 28/11 28/25 30/13 31/3 31/7 32/13 33/7 33/17 37/4 37/23 40/3 41/16 42/15 42/21 43/19 45/1 45/9 45/16 46/14 47/13 48/1 48/5 50/3 51/15 53/21 55/20 55/23 56/8 58/5 60/3 60/6 61/11 62/14 63/23 65/2 65/16 66/14 66/21 68/14 69/8 75/23 82/17 83/16 85/24 86/18 87/14 87/22 88/3 88/15 88/19 89/1 89/9 91/19 100/18 103/2 103/25 106/4 109/9 110/9 110/14 113/25 114/3 114/16 114/23 115/1 119/11 123/9 125/11 126/3 126/19 126/22 129/9 129/21 130/5 131/20 133/9 133/10 135/8 138/14 144/18 145/6 149/7 150/23 151/11 156/22 159/3 159/8 161/9 161/15 162/3 163/23 171/23 182/18 185/5 186/9</p> <p>nowhere [4] 112/8 128/9 128/16 129/4</p> <p>number [38] 5/11 16/14 19/25 25/23 42/1 42/7 59/7 75/25 81/17 86/14 87/21 91/22 97/1 99/7 104/6 111/7 120/4 124/8 124/23 126/5 126/19 128/19 140/25 141/18 141/21 142/2 142/3 142/25 143/12 143/21 145/16 145/16 145/20 155/7 159/24 159/24 160/3 160/13</p> <p>Number 1 [2] 126/19 128/19</p> <p>numbers [10] 68/15 68/19 71/18 91/12 91/21 93/22</p>	<p>o'clock [5] 98/11 101/19 166/23 166/24 167/8</p> <p>oath [2] 85/9 123/17</p> <p>object [6] 5/10 116/14 122/16 176/19 183/22 184/3</p> <p>objection [27] 24/5 24/11 59/25 62/20 73/3 73/5 73/19 73/25 76/14 76/22 79/25 85/17 100/8 112/24 116/19 124/1 133/24 134/5 134/24 135/4 136/4 137/8 137/9 173/19 183/24 184/4 184/18</p> <p>objections [1] 183/13</p> <p>obligate [1] 78/20</p> <p>obligated [1] 79/1</p> <p>obligation [9] 20/21 22/25 36/23 39/6 71/11 75/7 147/17 175/2 177/1</p> <p>obligations [1] 76/9</p> <p>obviously [5] 51/12 110/13 147/5 177/23 187/23</p> <p>occurred [3] 52/4 122/10 169/15</p> <p>October [22] 14/7 14/23 17/12 18/7 18/10 23/19 28/23 35/19 36/21 41/15 48/9 48/23 115/3 115/9 115/13 115/15 115/20 115/24 120/18 120/25 121/11 151/9</p> <p>October 2012 [7] 18/7 18/10 23/19 28/23 35/19 36/21 151/9</p> <p>October 2015 [1] 48/9</p> <p>October 26th [7] 48/23 115/3 115/9 115/13 115/15 115/20 115/24</p> <p>of [552] 1/1 2/15 3/2 3/15 3/15 3/17 3/21 4/7 4/9 4/9 4/10 5/7 6/25 7/4 8/1 8/5 8/9 8/11 8/11 8/24 8/24 9/6 9/17 9/18 9/21 9/25 10/1 10/13 10/19 11/5 11/6 11/12 12/5 12/10 12/13 12/14 12/18 13/2 13/2 13/6 13/6 13/10 13/12 13/15 13/21 13/23 14/7 14/14 14/24 15/12 15/18 16/14 17/10 17/11 17/12 17/14 17/16 17/19 18/11 19/2 19/7 19/9 19/13 19/16 19/23 20/6 20/15 20/15 20/19 20/21 21/13 22/7 22/19 22/20 22/23 22/25 25/5 25/10 25/19 26/3 26/11 26/12 26/20 27/5 27/6 27/14 27/23 28/1 28/4 28/12 28/19 28/22 29/12 30/10 30/25 31/5 31/13 31/19 32/3 32/8 32/24 33/1 33/1 33/2 33/23 34/11 34/21 35/4 35/6 35/10 35/13 35/14 35/21 35/22 37/23 38/6 40/13 40/25 41/15 41/17 41/21 41/25 42/4 42/6 42/7 42/8 42/19 42/22 44/10 44/11 44/21 44/23 45/2 45/13 45/18 46/6 46/9 46/13 46/17 47/7 48/20 49/3 49/6 49/22 49/24 51/6 51/15 52/21 52/24 53/7 54/4 54/6 55/12 55/23 57/12 57/17</p>	<p>59/2 59/12 60/12 60/16 60/22 60/23 61/1 61/2 61/4 61/6 61/19 61/20 61/23 62/1 62/7 62/8 63/19 63/21 63/24 63/25 64/12 64/13 64/14 64/15 64/15 64/21 65/19 66/4 66/24 67/8 67/11 67/25 68/3 68/12 68/15 68/19 68/22 70/1 70/2 70/9 70/18 70/22 71/2 71/11 71/23 72/15 72/18 72/23 73/1 73/19 73/24 74/16 74/17 74/21 74/23 75/5 75/11 75/23 76/3 76/17 77/5 77/7 77/25 78/2 78/12 78/12 79/1 79/2 80/3 80/4 80/18 82/22 83/17 83/17 83/22 83/24 84/1 84/12 84/18 84/21 85/6 85/15 85/15 86/11 86/24 87/2 87/22 87/25 88/7 88/17 90/3 90/6 90/11 90/21 91/5 91/8 92/4 92/9 93/9 93/12 93/23 95/1 97/11 97/11 98/9 98/16 99/16 100/23 100/25 102/25 103/3 103/18 103/20 103/21 103/25 104/3 104/17 104/19 106/5 106/21 108/12 108/13 108/19 109/14 110/21 111/15 112/5 112/16 112/18 112/19 113/8 113/11 113/12 113/14 113/25 114/3 114/13 114/23 115/8 115/12 116/14 116/16 116/17 117/18 117/19 118/17 119/8 119/9 119/13 119/14 119/25 120/2 120/2 120/2 120/4 120/5 120/16 120/23 120/25 121/1 121/6 121/10 121/11 121/15 121/17 121/20 121/24 121/25 121/25 122/2 122/3 122/6 122/7 122/9 122/10 123/2 123/2 123/4 123/10 123/20 124/12 124/12 124/17 124/21 125/3 125/25 126/13 126/15 127/8 127/9 127/12 127/13 128/16 129/5 130/7 131/23 132/2 132/6 132/7 132/16 133/3 133/25 134/7 134/14 134/22 136/21 137/2 137/2 137/4 137/4 137/5 137/12 137/23 138/11 139/11 140/8 140/21 141/3 141/7 141/8 141/14 141/25 142/2 142/3 142/11 142/13 142/16 143/3 143/5 143/6 143/8 143/10 143/12 143/16 143/18 143/21 144/23 145/6 145/7 145/13 145/16 145/18 145/22 145/23 145/24 145/25 146/10 146/12 146/13 146/13 146/19 147/3 147/25 148/2 148/2 148/4 148/13 148/15 148/23 149/22 149/24 150/4 150/5 150/12 150/16 150/24 151/5 151/12 151/18 151/24 152/1 152/4 152/7 152/21 152/25 153/1 153/3 153/9 153/9 153/10 153/13 154/7 154/14 154/25 155/6 155/14 155/18 155/20 155/21 156/3 156/5 156/17 157/13 157/15 157/15 157/19 157/20 158/7 158/25 159/14 159/19</p>

O	Case 2:15-cv-05834-JCJ Document 45 Filed 05/16/17 Page 212 of 229	
<p>of... [89] 160/9 160/19</p> <p>160/22 161/3 161/5 161/23</p> <p>161/23 162/7 162/9 162/18</p> <p>163/11 163/12 163/15 163/17</p> <p>164/8 164/8 164/23 165/3</p> <p>165/5 165/8 165/11 166/1</p> <p>166/2 166/12 166/15 167/4</p> <p>167/12 167/16 168/23 169/16</p> <p>169/18 169/23 169/25 170/9</p> <p>170/10 170/13 170/15 170/19</p> <p>171/13 172/21 172/25 173/7</p> <p>173/8 173/9 173/13 173/22</p> <p>174/2 174/4 174/6 175/4</p> <p>176/11 176/14 176/23 177/2</p> <p>177/7 177/9 177/16 177/17</p> <p>177/19 177/25 179/7 180/16</p> <p>181/20 181/23 182/8 183/8</p> <p>183/24 184/7 184/10 184/12</p> <p>184/16 184/23 184/23 185/3</p> <p>185/11 185/13 185/15 185/24</p> <p>185/25 186/6 186/9 186/9</p> <p>186/11 186/11 186/12 187/1</p> <p>187/25 188/2 229/19</p> <p>of 18 [1] 72/15</p> <p>off [17] 2/16 24/1 25/9</p> <p>25/13 50/6 83/21 84/1 86/25</p> <p>90/1 92/22 97/4 97/9 97/11</p> <p>109/16 144/13 146/14 148/2</p> <p>off-air [1] 97/4</p> <p>offer [2] 20/25 23/4</p> <p>offering [1] 155/15</p> <p>offers [1] 61/19</p> <p>office [4] 19/22 90/21 91/14</p> <p>95/6</p> <p>officer [1] 113/22</p> <p>offices [2] 8/23 9/4</p> <p>Official [1] 1/20</p> <p>often [3] 105/1 105/11</p> <p>105/13</p> <p>Oh [15] 4/12 19/10 26/24</p> <p>55/21 61/23 63/5 93/6</p> <p>103/18 125/24 138/23 143/5</p> <p>160/16 161/8 166/8 183/16</p> <p>Ohannes [2] 114/4 131/21</p> <p>okay [188] 2/8 3/14 4/12</p> <p>5/22 6/20 6/22 7/7 7/10</p> <p>7/17 7/24 7/25 8/7 8/15</p> <p>9/10 9/14 9/20 9/25 10/3</p> <p>10/9 10/12 10/25 11/23 12/4</p> <p>12/8 13/1 14/4 14/8 14/9</p> <p>14/15 14/17 14/22 15/8</p> <p>15/11 15/22 16/24 17/4</p> <p>17/12 17/16 18/2 19/3 19/19</p> <p>21/16 21/25 23/16 24/14</p> <p>24/23 25/10 26/25 27/9</p> <p>28/25 30/2 34/5 34/5 36/11</p> <p>37/2 38/2 39/4 39/21 39/24</p> <p>40/3 40/11 40/24 41/8 43/6</p> <p>43/19 44/3 44/20 45/16</p> <p>45/25 47/3 47/10 56/4 60/6</p> <p>61/23 61/24 62/5 62/14</p> <p>64/24 67/3 70/5 71/20 71/22</p> <p>71/24 72/3 72/17 72/18</p> <p>72/24 75/5 75/23 77/15</p> <p>78/14 79/20 80/13 80/21</p> <p>82/8 82/17 83/5 83/9 84/16</p> <p>86/2 86/13 86/18 87/14</p> <p>87/22 89/9 90/5 91/11 92/6</p> <p>92/12 92/13 92/24 93/24</p> <p>95/14 95/18 96/9 96/15</p> <p>96/21 97/25 99/8 99/11</p>	<p>100/21 102/1 104/8 104/13</p> <p>107/13 109/9 111/14 109/23</p> <p>111/9 111/14 111/22 112/1</p> <p>112/8 112/13 118/10 118/17</p> <p>119/17 120/7 121/17 122/6</p> <p>122/15 123/8 124/7 124/23</p> <p>129/14 130/25 131/18 133/15</p> <p>133/19 134/18 136/7 136/23</p> <p>141/9 143/12 143/20 149/2</p> <p>149/6 149/19 150/8 150/15</p> <p>151/7 151/23 153/8 153/13</p> <p>153/18 154/22 155/17 156/22</p> <p>157/5 157/18 157/23 159/17</p> <p>161/8 162/5 169/16 172/11</p> <p>174/19 175/19 175/24 176/13</p> <p>180/9 181/8 181/19 182/8</p> <p>182/16 185/7 187/3 187/18</p> <p>on [232] 5/13 6/10 6/19 8/18</p> <p>8/23 9/7 10/9 11/4 11/9</p> <p>11/12 11/24 12/9 12/10</p> <p>12/16 12/21 13/17 13/18</p> <p>13/18 13/19 14/23 15/19</p> <p>16/1 17/2 18/18 21/8 21/13</p> <p>23/24 24/17 25/19 26/23</p> <p>26/24 27/22 31/25 33/8 34/4</p> <p>34/18 35/6 36/25 37/6 38/7</p> <p>39/8 40/1 41/24 42/20 44/23</p> <p>45/11 45/23 45/25 46/5</p> <p>46/18 46/22 48/2 48/15 49/3</p> <p>49/6 50/3 50/9 50/20 51/3</p> <p>51/3 51/12 52/4 52/20 52/20</p> <p>52/20 53/3 55/15 55/20</p> <p>56/13 58/19 58/22 59/12</p> <p>60/1 60/18 61/6 63/23 64/16</p> <p>66/2 66/5 66/6 66/20 66/24</p> <p>68/6 69/8 70/9 70/20 71/23</p> <p>73/1 76/2 76/9 77/14 78/19</p> <p>78/21 79/8 81/13 82/23</p> <p>83/18 87/7 87/11 88/15</p> <p>89/12 89/18 90/11 91/9</p> <p>91/21 92/11 92/14 92/21</p> <p>93/12 93/23 94/14 94/15</p> <p>94/18 95/22 96/1 97/6 97/12</p> <p>98/1 98/10 98/11 101/10</p> <p>101/13 103/10 104/4 104/16</p> <p>104/22 105/16 105/18 106/17</p> <p>107/2 107/6 107/18 107/18</p> <p>109/1 109/5 109/9 110/13</p> <p>112/1 112/14 113/8 114/9</p> <p>115/8 115/13 115/19 116/25</p> <p>119/25 120/3 120/7 120/11</p> <p>120/14 120/23 121/9 121/10</p> <p>121/21 122/3 122/5 122/13</p> <p>122/22 123/4 123/6 124/17</p> <p>124/18 124/25 131/23 134/22</p> <p>135/8 135/9 135/14 137/20</p> <p>139/7 140/5 140/15 142/8</p> <p>142/25 143/5 146/14 148/5</p> <p>149/16 149/23 150/21 152/21</p> <p>153/16 154/20 155/17 156/3</p> <p>158/11 160/6 160/13 162/6</p> <p>164/3 164/17 164/21 165/24</p> <p>166/10 166/21 166/21 167/5</p> <p>167/6 167/11 167/13 168/1</p> <p>168/17 170/8 170/10 171/20</p> <p>171/25 172/16 172/19 173/3</p> <p>174/1 174/14 174/15 174/22</p> <p>174/25 175/7 175/20 177/15</p> <p>178/9 178/17 179/5 179/13</p> <p>179/15 179/16 182/4 182/6</p> <p>183/14 183/18 185/25 186/2</p> <p>187/12 187/22 188/1</p> <p>once [11] 8/22 23/25 59/22</p>	<p>63/20 82/18 99/9 109/9</p> <p>55/7 119/15 113/13 187/6</p> <p>one [49] 8/3 8/21 13/2 23/21</p> <p>37/16 41/1 41/12 77/12</p> <p>81/24 81/25 82/15 82/16</p> <p>85/12 86/1 91/14 91/22 94/4</p> <p>96/16 96/17 96/18 97/14</p> <p>97/14 103/6 104/12 105/25</p> <p>106/7 106/9 108/3 108/7</p> <p>109/1 109/4 109/7 116/5</p> <p>116/7 116/9 121/14 129/12</p> <p>138/21 142/1 143/22 147/11</p> <p>151/16 172/24 178/21 179/23</p> <p>179/24 184/21 185/14 187/11</p> <p>one-year [1] 185/14</p> <p>ones [4] 86/8 95/25 96/5</p> <p>155/4</p> <p>only [22] 4/19 9/18 10/20</p> <p>39/2 61/4 61/22 82/14 86/5</p> <p>105/4 105/8 126/13 135/19</p> <p>151/1 153/18 156/2 157/7</p> <p>158/17 159/9 168/20 176/21</p> <p>181/3 183/17</p> <p>open [2] 73/15 150/20</p> <p>opening [2] 2/24 2/25</p> <p>operations [1] 113/22</p> <p>opportunity [4] 5/17 5/25</p> <p>165/20 186/18</p> <p>opposed [3] 88/6 169/9</p> <p>171/16</p> <p>optical [1] 71/7</p> <p>option [1] 15/25</p> <p>or [124] 3/3 3/10 9/4 9/6</p> <p>9/7 13/21 15/8 15/20 19/1</p> <p>20/22 20/22 20/25 21/19</p> <p>22/25 23/1 23/4 23/11 23/13</p> <p>26/3 27/6 28/18 28/20 30/22</p> <p>31/19 32/24 33/1 33/14</p> <p>34/11 37/11 37/14 37/18</p> <p>38/6 41/4 42/3 44/4 49/7</p> <p>58/1 58/12 61/12 61/25</p> <p>65/15 66/12 71/4 71/4 71/5</p> <p>71/6 71/7 72/14 75/20 78/12</p> <p>78/24 79/6 79/23 80/8 80/9</p> <p>80/19 89/1 90/17 90/18 92/7</p> <p>93/21 96/1 99/2 101/8 102/8</p> <p>102/10 102/17 103/5 106/18</p> <p>110/10 112/21 116/23 117/19</p> <p>120/20 121/1 121/11 123/24</p> <p>124/13 125/21 127/12 128/17</p> <p>129/5 130/12 131/23 132/23</p> <p>134/3 134/3 134/20 135/22</p> <p>135/25 137/4 137/17 145/8</p> <p>149/8 149/15 153/19 153/21</p> <p>154/5 157/5 157/18 158/11</p> <p>158/17 160/12 160/20 161/15</p> <p>168/1 169/10 170/22 171/17</p> <p>171/20 172/13 173/24 178/8</p> <p>178/9 178/17 181/14 181/20</p> <p>182/20 185/3 185/20 186/13</p> <p>187/2 187/12 187/17</p> <p>order [5] 13/20 24/17 88/10</p> <p>90/21 108/18</p> <p>orders [3] 88/7 88/8 90/22</p> <p>original [7] 71/8 138/16</p> <p>139/1 139/22 139/24 139/25</p> <p>140/2</p> <p>originally [2] 45/6 117/5</p> <p>other [38] 8/7 28/11 32/17</p> <p>38/6 41/3 56/6 56/21 56/23</p> <p>59/24 64/17 67/17 68/1 68/2</p> <p>71/5 86/8 86/23 88/9 89/3</p> <p>90/25 92/7 94/14 99/2 99/16</p>

<p>O</p> <p>other... [15] 100/22 102/19 104/22 104/23 105/11 105/16 107/18 112/6 132/15 151/13 162/6 162/8 166/21 182/20 184/4</p> <p>others [1] 61/5</p> <p>otherwise [1] 3/24</p> <p>our [30] 19/4 19/5 23/25 43/5 52/6 54/16 63/14 80/13 111/7 123/9 126/24 138/23 147/2 147/7 162/23 164/15 165/19 169/1 169/20 171/7 172/15 174/18 175/4 175/5 175/13 178/15 179/14 179/14 180/1 180/16</p> <p>ours [5] 52/8 52/8 53/13 53/16 58/13</p> <p>out [49] 3/2 3/19 7/22 8/11 11/9 18/19 19/23 24/9 25/1 25/3 35/21 35/22 35/24 36/2 38/18 40/4 46/14 46/22 54/2 58/14 76/6 80/3 86/18 87/6 87/7 88/4 98/12 101/12 101/25 128/8 138/4 141/9 144/19 145/2 145/19 147/1 165/12 165/16 165/18 165/21 167/24 168/5 168/20 172/6 172/13 179/7 180/14 180/16 182/8</p> <p>outside [2] 185/14 186/11</p> <p>outstanding [2] 36/23 112/5</p> <p>over [23] 14/9 28/3 28/8 32/20 39/3 58/10 59/4 59/5 60/22 62/10 66/11 66/18 71/23 75/17 84/17 90/21 94/10 96/20 124/20 139/15 141/11 155/11 155/12</p> <p>overdo [1] 109/21</p> <p>override [2] 113/2 116/19</p> <p>overruled [8] 73/25 76/17 76/23 122/18 124/3 134/5 137/16 184/2</p> <p>oversee [1] 133/13</p> <p>overseeing [1] 7/23</p> <p>owe [8] 46/9 46/12 54/14 54/17 71/6 77/19 79/16 153/8</p> <p>owed [8] 55/9 55/10 55/15 55/16 57/18 70/18 134/22 140/8</p> <p>own [6] 7/17 8/7 37/1 67/18 172/13 185/11</p> <p>owner [1] 76/3</p> <p>ownership [3] 7/25 74/20 163/4</p>	<p>150/7 152/21 155/10 155/22 156/24 159/3 51/7 51/22 176/11 176/12 176/14 183/19</p> <p>Page 1 [1] 121/9</p> <p>Page 12 [2] 136/20 159/7</p> <p>Page 2 [7] 12/10 21/7 30/25 104/19 119/12 149/24 150/7</p> <p>Page 20 [2] 130/11 137/22</p> <p>Page 28 [1] 99/10</p> <p>Page 3 [3] 12/10 71/23 72/9</p> <p>Page 4 [3] 32/14 139/7 156/24</p> <p>Page 5 [3] 176/11 176/12 176/14</p> <p>Page 65 [1] 148/4</p> <p>pages [3] 104/22 155/6 187/20</p> <p>paid [20] 15/13 25/8 57/17 89/13 89/14 89/17 89/19 98/6 98/7 98/8 141/11 144/21 156/1 178/14 178/16 178/18 180/12 180/13 181/19 181/21</p> <p>panic [6] 65/25 66/2 66/2 85/11 166/3 166/7</p> <p>paper [4] 19/23 101/3 101/12 141/3</p> <p>papers [2] 43/15 187/6</p> <p>paperwork [1] 4/10</p> <p>paragraph [27] 20/19 21/3 22/23 23/7 26/13 32/14 33/5 34/4 70/21 70/24 72/6 72/8 72/9 78/19 111/5 111/16 111/20 111/21 112/14 126/23 132/13 139/8 149/24 150/7 155/7 156/25 161/5</p> <p>paragraphs [1] 12/9</p> <p>parents [1] 175/23</p> <p>part [10] 26/23 61/1 68/3 76/17 125/3 132/19 139/11 155/14 155/18 155/20</p> <p>participated [1] 81/13</p> <p>participating [1] 114/16</p> <p>participation [1] 114/18</p> <p>particular [3] 96/3 119/11 156/24</p> <p>parties [4] 151/13 151/24 160/20 161/23</p> <p>partner [4] 67/19 67/20 166/13 167/17</p> <p>partners [8] 64/9 67/17 80/8 80/8 80/11 82/2 95/8 95/25</p> <p>partnership [3] 80/9 80/19 95/20</p> <p>party [4] 133/10 139/25 165/11 166/12</p> <p>pass [1] 80/14</p> <p>pass-through [1] 80/14</p> <p>Passively [1] 85/3</p> <p>past [11] 16/18 30/10 32/4 34/22 41/24 42/10 155/16 161/15 161/16 161/19 167/20</p> <p>patient [4] 104/14 107/1 107/4 176/23</p> <p>pay [23] 50/20 50/21 51/23 51/23 52/7 52/8 52/9 52/15 53/15 54/4 54/17 58/12 59/7 65/22 71/11 87/9 153/10 154/17 176/22 181/22 182/2 182/9 182/12</p> <p>paying [8] 38/14 40/6 40/24 49/11 57/21 65/20 65/21 177/24</p>	<p>payment [27] 3/17 13/11 16/8 16/16 17/1 17/24 18/12 25/3 25/4 35/17 35/22 35/23 36/3 36/4 36/22 41/1 49/13 52/14 79/17 89/17 124/24 141/10 141/12 147/17 181/15 182/6 182/10</p> <p>payments [25] 11/24 17/10 18/6 18/11 20/12 22/14 24/18 28/16 36/9 39/7 40/1 40/4 40/12 41/3 76/20 76/21 135/3 145/10 147/9 178/10 179/13 179/16 179/18 179/19 179/21</p> <p>peak [2] 109/12 110/14</p> <p>peaks [1] 109/19</p> <p>pecuniary [2] 99/2 99/21</p> <p>pejorative [1] 85/18</p> <p>pen [1] 141/3</p> <p>pending [3] 2/9 3/17 49/24</p> <p>PENNSYLVANIA [17] 1/1 1/9 1/16 1/18 1/21 44/24 48/4 48/7 48/9 48/15 115/2 115/8 115/13 116/16 137/2 137/5 159/9</p> <p>people [14] 8/25 9/1 64/20 64/22 66/18 77/18 88/18 90/13 90/25 91/4 95/5 110/19 175/13 175/22</p> <p>per [9] 40/6 40/12 49/8 95/12 98/1 144/23 144/24 145/12 145/13</p> <p>percent [35] 8/2 8/7 35/1 35/1 35/6 35/7 65/1 65/4 72/15 73/1 84/6 84/9 84/11 84/20 85/1 85/5 88/1 91/24 92/2 132/4 132/8 132/9 132/15 132/25 144/6 144/22 145/11 151/2 151/19 152/12 152/25 157/6 157/24 158/9 160/13</p> <p>percentage [12] 32/19 32/20 32/21 32/21 32/23 72/14 132/16 139/14 139/15 139/16 139/17 144/13</p> <p>Perfect [1] 94/5</p> <p>perform [1] 88/14</p> <p>performance [1] 108/13</p> <p>performing [7] 64/23 64/25 127/8 135/17 135/17 166/13 167/16</p> <p>perhaps [3] 130/2 153/18 153/23</p> <p>period [13] 13/6 17/1 30/10 32/3 34/21 36/20 40/13 40/25 74/17 75/5 112/20 125/7 145/22</p> <p>periodic [25] 12/5 12/21 13/2 13/24 14/19 14/22 16/1 16/5 23/18 29/2 42/21 42/25 54/22 70/16 71/4 71/10 71/24 72/1 72/6 72/10 74/16 133/23 134/15 181/16 181/22</p> <p>permission [1] 169/9</p> <p>permitted [2] 32/22 139/17</p> <p>person [12] 11/21 38/24 59/14 80/5 96/24 131/21 162/24 163/11 164/12 164/18 165/13 166/13</p> <p>personal [3] 123/24 124/13 124/13</p> <p>personally [4] 81/24 116/10 173/13 173/23</p>
<p>P</p> <p>p.m [3] 123/12 123/14 188/12</p> <p>p.m.'s [1] 66/17</p> <p>PA [1] 7/6</p> <p>package [2] 28/5 38/5</p> <p>page [47] 12/10 12/10 12/10 12/18 21/7 21/25 30/25 32/14 34/4 68/10 70/20 70/22 71/23 72/9 78/19 99/10 104/19 105/17 105/18 107/6 111/15 112/14 119/12 120/16 120/23 121/9 124/12 130/11 136/20 137/22 137/25 139/7 148/4 149/24 150/6</p>		

<p>P</p> <p>perspective [2] 147/2 156/2</p> <p>pharmacist [1] 102/6</p> <p>pharmacological [1] 102/11</p> <p>PHILADELPHIA [9] 1/9 1/16 1/21 7/6 44/24 120/3 122/1 123/2 150/13</p> <p>phone [21] 43/5 43/12 44/6 44/10 46/3 46/23 46/24 46/25 47/2 53/2 58/15 61/19 65/18 75/1 83/18 84/19 92/9 164/3 164/9 166/17 168/11</p> <p>physical [4] 27/22 30/14 33/8 37/5</p> <p>physically [1] 59/1</p> <p>physician [1] 60/17</p> <p>pick [7] 28/5 66/3 113/13 131/6 167/7 167/15 174/16</p> <p>picked [2] 160/10 174/17</p> <p>piece [3] 65/19 85/14 141/3</p> <p>pill [7] 106/2 106/4 106/6 106/7 106/9 106/21 106/22</p> <p>pills [5] 60/23 105/23 105/25 106/12 106/14</p> <p>place [7] 1/15 36/16 71/7 82/19 178/25 185/14 186/10</p> <p>placebo [1] 102/16</p> <p>places [1] 171/13</p> <p>plaintiff [9] 1/14 5/14 71/19 113/9 140/3 147/18 162/7 182/22 184/25</p> <p>plaintiff's [105] 4/21 5/7 10/12 12/6 12/12 12/24 15/23 16/4 17/5 18/9 19/25 21/9 21/23 21/25 23/16 25/22 26/5 26/8 26/15 26/18 26/22 27/4 27/17 28/14 29/5 29/8 29/14 29/18 30/2 30/6 30/9 30/21 31/3 31/7 31/10 31/15 31/18 32/7 32/13 33/7 33/17 33/20 33/25 34/8 37/4 41/16 43/20 44/20 48/11 49/2 49/15 55/11 56/21 56/22 57/5 60/10 60/15 67/12 68/11 69/25 70/8 70/12 70/14 73/21 75/25 78/15 85/24 104/12 111/3 111/8 114/12 117/14 117/20 117/24 118/2 118/18 119/13 122/8 122/25 124/7 124/23 126/3 126/19 127/11 128/15 129/4 129/9 129/18 130/10 133/16 136/18 150/1 151/14 152/18 153/22 154/15 154/23 155/18 156/22 159/6 163/20 163/21 184/6 185/11 187/22</p> <p>plaintiffs [4] 6/8 160/19 183/9 185/10</p> <p>plane [1] 174/21</p> <p>planned [1] 175/10</p> <p>plateau [1] 110/10</p> <p>play [1] 97/24</p> <p>pleading [1] 52/22</p> <p>pleadings [3] 5/3 183/20 183/25</p> <p>Pleas [2] 44/24 150/13</p> <p>please [15] 7/4 12/25 46/20 48/11 48/17 48/20 67/12 69/20 70/25 136/20 136/22 138/3 139/10 169/18 173/20</p> <p>pleasure [1] 188/9</p> <p>plenty [1] 64/13</p>	<p>Plotkin [1] 67/20</p> <p>Plus [1] 44/8 51/3 52/6/7 160/12</p> <p>PNC [1] 23/25</p> <p>PO [1] 89/1</p> <p>point [12] 23/21 74/5 78/8 79/13 82/13 90/3 90/6 93/5 138/22 138/22 161/16 161/19</p> <p>pointing [2] 155/3 155/18</p> <p>points [3] 32/20 132/16 139/15</p> <p>policy [3] 54/21 62/3 106/4</p> <p>pool [1] 67/22</p> <p>portion [5] 118/9 134/14 144/4 145/18 170/10</p> <p>portions [2] 114/13 184/7</p> <p>position [8] 6/2 8/20 30/22 33/15 37/12 116/18 185/17 187/22</p> <p>possession [1] 45/14</p> <p>Power [3] 120/1 121/6 121/20</p> <p>practical [1] 187/21</p> <p>practice [2] 119/9 130/6</p> <p>Practices [1] 159/14</p> <p>precisely [1] 35/9</p> <p>preconceptions [1] 143/2</p> <p>predominantly [2] 19/16 163/13</p> <p>prefer [1] 187/11</p> <p>preference [1] 187/10</p> <p>prejudice [1] 5/20</p> <p>prepare [2] 70/17 114/18</p> <p>prepared [2] 119/19 186/25</p> <p>prescribed [4] 59/18 60/3 60/16 67/3</p> <p>prescription [2] 102/23 107/5</p> <p>prescriptions [1] 103/3</p> <p>present [3] 47/24 162/17 163/23</p> <p>presented [3] 116/5 186/1 186/8</p> <p>pressing [1] 39/13</p> <p>presumably [1] 78/25</p> <p>pretty [3] 46/3 103/16 155/9</p> <p>previous [3] 25/8 115/25 125/24</p> <p>previously [10] 60/3 102/20 106/18 119/3 123/17 152/11 160/3 160/23 161/11 161/14</p> <p>PRICE [1] 162/14</p> <p>pricing [1] 9/7</p> <p>primarily [1] 162/24</p> <p>prime [4] 131/7 131/8 138/8 138/12</p> <p>principal [31] 11/8 15/16 15/18 15/20 16/6 20/11 22/13 28/15 30/6 31/25 34/18 38/14 42/11 49/2 49/6 54/7 54/8 54/10 56/12 144/20 145/9 149/20 149/23 150/4 150/10 153/9 154/18 156/14 160/6 160/10 174/23</p> <p>print [1] 101/12</p> <p>printed [1] 104/16</p> <p>prior [13] 45/21 60/4 79/24 105/1 114/16 115/2 153/20 165/7 175/2 178/2 178/5 184/25 185/10</p> <p>privilege [1] 178/13</p> <p>probably [14] 32/12 42/5 51/19 54/14 55/21 81/21 84/12 84/21 88/2 95/16</p>	<p>131/5 144/2 156/19 160/10</p> <p>Problem [1] 52/5 52/15</p> <p>procedures [1] 9/11</p> <p>proceed [3] 2/22 4/5 186/2</p> <p>proceedings [5] 2/1 69/15 123/13 188/11 229/19</p> <p>proceeds [1] 146/14</p> <p>process [5] 13/22 44/17 62/14 63/18 69/3</p> <p>processes [1] 9/11</p> <p>produce [1] 116/9</p> <p>produced [7] 5/14 13/23 126/14 134/20 134/21 181/16 182/9</p> <p>producers [3] 91/2 91/2 91/3</p> <p>product [17] 9/5 88/20 88/22 89/9 93/16 93/18 93/19 93/20 93/21 94/2 94/4 94/16 97/12 97/13 109/9 109/14 109/21</p> <p>product's [1] 109/24</p> <p>production [3] 64/19 95/6 109/19</p> <p>products [11] 8/4 8/6 8/17 8/21 90/11 93/10 94/14 97/10 97/10 108/22 163/5</p> <p>programs [1] 144/12</p> <p>property [1] 10/10</p> <p>proposed [3] 185/24 186/8 186/11</p> <p>prosecuting [2] 57/2 57/13</p> <p>protect [1] 177/2</p> <p>prove [2] 71/6 188/3</p> <p>provide [22] 12/4 14/18 16/5 16/8 16/11 16/14 16/18 16/21 20/10 21/1 22/12 23/5 24/20 28/14 42/8 49/2 56/12 100/19 125/12 125/24 137/1 149/15</p> <p>provided [12] 6/23 17/16 42/21 42/25 45/6 73/6 125/17 126/7 135/23 149/13 153/25 154/4</p> <p>provider [1] 78/11</p> <p>provides [1] 72/2</p> <p>providing [2] 28/13 54/21</p> <p>provisions [1] 139/6</p> <p>public [1] 175/13</p> <p>publicly [3] 48/6 48/15 121/25</p> <p>pulled [1] 92/21</p> <p>purchase [6] 88/7 88/8 88/10 90/22 108/18 117/19</p> <p>purchased [3] 117/4 140/1 175/10</p> <p>purchasing [1] 117/10</p> <p>pure [1] 91/19</p> <p>purpose [3] 9/25 10/1 124/12</p> <p>purposes [8] 14/14 113/25 123/25 124/13 124/14 134/7 183/8 184/12</p> <p>pursuant [4] 24/7 35/13 74/3 135/23</p> <p>purview [1] 137/12</p> <p>push [1] 2/15</p> <p>put [12] 58/8 58/19 65/17 91/8 101/7 103/11 103/19 103/22 104/4 110/13 140/25 149/11</p> <p>puts [1] 8/17</p> <p>Q</p> <p>qualified [1] 116/12</p>
---	---	---

<p>Q</p> <p>quarter [3] 84/13 88/10 88/17</p> <p>question [60] 6/15 36/7 37/1 39/22 63/10 73/17 74/9 74/12 76/22 80/1 85/20 85/21 93/15 97/19 99/1 99/18 99/25 100/11 102/15 102/17 115/10 115/18 116/8 116/12 116/25 121/5 122/14 122/15 122/19 122/22 128/8 129/18 131/10 133/6 134/6 134/8 134/11 135/5 135/22 135/25 136/5 136/7 139/5 148/12 150/18 152/8 153/25 154/5 159/8 160/5 160/15 161/20 173/18 173/20 173/21 173/22 177/5 177/22 186/12 186/13</p> <p>questioning [2] 116/14 148/23</p> <p>questions [17] 5/18 6/17 12/2 47/2 69/3 80/3 113/4 116/20 118/8 120/21 131/15 152/7 156/25 159/19 169/12 177/20 181/7</p> <p>quick [1] 12/12</p> <p>quickly [5] 84/25 85/2 87/15 89/19 108/4</p> <p>quo [1] 175/14</p> <p>quotes [2] 22/24 34/25</p> <p>quoting [2] 20/20 132/14</p> <p>QVC [22] 8/16 8/22 9/11 64/4 66/23 81/7 87/5 87/8 88/18 91/13 91/16 93/14 97/5 97/10 97/17 98/13 105/6 105/8 106/3 108/22 109/9 110/18</p>	<p>32/14 32/25 70/24 81/12 88/11 102/9 118/1 118/5 121/1 121/18 130/17 132/22 132/23 134/13 139/10 157/1 158/12 159/2 160/23 161/1 161/5 161/7 161/13 161/24</p> <p>reading [1] 139/23</p> <p>reads [1] 139/12</p> <p>ready [3] 69/4 69/17 101/9</p> <p>real [3] 84/13 87/15 94/18</p> <p>realize [1] 79/11</p> <p>really [26] 46/10 52/3 56/5 62/13 62/18 65/21 75/17 85/7 90/3 95/16 96/7 99/5 104/5 110/17 132/24 137/12 147/4 148/1 163/8 165/10 167/13 169/15 170/7 171/6 173/6 176/9</p> <p>reason [17] 20/5 22/6 26/2 27/13 29/11 31/12 33/22 37/20 37/22 68/1 71/3 93/5 93/6 93/8 96/11 115/6 115/11</p> <p>reasoning [1] 39/22</p> <p>rebuilding [2] 61/14 63/19</p> <p>rebuilt [1] 61/16</p> <p>recall [25] 15/5 15/8 18/14 25/4 37/16 37/18 41/10 41/12 43/6 43/11 109/7 115/21 116/4 146/25 147/4 147/8 147/10 147/24 148/5 148/9 148/17 148/18 148/19 148/22 169/10</p> <p>receipt [10] 20/5 22/7 26/2 27/14 29/12 31/13 33/23 37/14 75/23 185/13</p> <p>receive [11] 12/21 17/19 28/18 38/24 39/1 41/14 55/1 56/22 77/3 77/6 86/8</p> <p>received [33] 13/3 13/24 14/23 17/23 20/2 22/3 25/24 27/10 28/1 29/7 31/9 33/18 37/24 39/2 41/20 42/15 42/17 44/17 45/5 45/17 47/13 49/18 56/9 86/5 108/17 124/9 124/25 125/3 126/10 147/16 153/19 164/15 185/10</p> <p>receiver [9] 20/21 22/25 78/24 78/25 111/17 111/23 112/3 112/9 112/15</p> <p>receiving [6] 18/14 23/18 23/21 29/1 37/21 41/10</p> <p>recently [1] 168/15</p> <p>recess [4] 69/12 69/14 123/10 123/12</p> <p>recheck [1] 144/2</p> <p>recognize [17] 57/6 114/13 117/14 117/21 118/1 118/17 123/23 124/24 126/4 126/6 127/3 127/15 133/3 150/23 151/11 151/17 167/12</p> <p>recognized [2] 117/23 151/4</p> <p>recollection [7] 41/20 130/9 130/15 141/23 147/25 148/13 148/18</p> <p>recollection.BY [1] 161/25</p> <p>record [14] 32/14 34/6 70/25 119/14 120/25 121/10 121/25 123/2 140/21 155/17 183/8 186/14 186/25 229/19</p> <p>recordation [1] 122/9</p> <p>recorded [4] 120/2 121/18</p>	<p>121/21 122/5</p> <p>Recording [1] 99/19</p> <p>records [8] 48/6 101/3 101/5 101/7 101/13 114/23 120/2 148/2</p> <p>recover [1] 3/25</p> <p>recross [4] 113/5 159/20 159/21 229/2</p> <p>RECROSS-EXAMINATION [1] 159/21</p> <p>redirect [8] 74/5 110/24 111/1 147/16 147/20 147/21 181/10 229/2</p> <p>redone [1] 19/14</p> <p>reduction [1] 67/7</p> <p>refer [3] 114/1 129/15 156/7</p> <p>reference [5] 122/4 160/6 161/23 186/12 186/13</p> <p>referenced [1] 133/10</p> <p>referencing [1] 121/3</p> <p>referring [3] 29/15 121/20 148/4</p> <p>refilled [3] 105/12 106/11 106/13</p> <p>refinance [1] 15/21</p> <p>reflect [5] 18/10 57/12 68/7 68/11 90/1</p> <p>reflected [4] 89/11 95/22 96/1 97/6</p> <p>reflects [3] 70/5 107/4 107/5</p> <p>refresh [3] 130/9 130/15 141/23</p> <p>refusing [1] 152/3</p> <p>regard [2] 39/5 151/25</p> <p>regarding [7] 14/19 20/10 22/12 28/15 56/23 148/23 176/21</p> <p>register [2] 115/15 116/15</p> <p>registered [9] 48/3 48/8 115/1 115/7 115/12 115/18 115/19 115/21 116/23</p> <p>registration [2] 48/21 116/1</p> <p>regular [4] 66/21 67/3 67/5 145/20</p> <p>reinstatement [17] 55/6 55/6 55/8 55/12 128/17 128/17 128/21 129/2 129/5 129/6 129/16 135/23 136/1 136/3 136/11 137/6 143/4</p> <p>related [1] 177/24</p> <p>relates [1] 48/18</p> <p>relating [3] 12/8 19/20 156/25</p> <p>relationship [3] 144/15 150/25 158/14</p> <p>relationships [1] 158/24</p> <p>relative [1] 100/22</p> <p>relatively [2] 169/21 169/24</p> <p>relaxed [1] 61/10</p> <p>relaxer [1] 104/5</p> <p>Release [1] 59/20</p> <p>relevance [1] 124/2</p> <p>relevant [1] 110/17</p> <p>relocate [1] 170/19</p> <p>relocated [1] 170/24</p> <p>rely [1] 167/6</p> <p>Remain [1] 6/11</p> <p>remained [1] 145/9</p> <p>remedies [1] 112/4</p> <p>remember [10] 99/3 108/20 129/22 129/25 146/6 161/17 161/19 164/2 166/3 170/16</p>
<p>R</p> <p>R.P.R [1] 229/23</p> <p>raise [2] 35/5 173/19</p> <p>raised [2] 132/16 152/10</p> <p>raising [1] 158/9</p> <p>range [2] 35/6 132/16</p> <p>rare [1] 87/6</p> <p>rate [68] 10/22 10/23 16/12 16/24 20/11 22/13 28/16 32/15 32/17 32/19 32/21 32/21 32/22 32/23 33/1 34/25 35/6 35/9 71/24 72/1 72/2 72/4 72/6 72/10 72/14 72/25 73/1 73/22 73/23 130/1 130/4 130/6 130/12 130/12 130/14 130/22 131/2 131/4 131/6 132/3 132/10 132/18 138/1 138/5 138/6 138/7 138/9 139/8 139/12 139/14 139/16 139/17 144/9 144/10 144/17 144/17 145/6 145/22 151/18 152/1 152/9 152/24 156/25 157/6 157/13 158/2 158/9 158/18</p> <p>rates [3] 16/15 58/3 72/19</p> <p>rather [2] 149/5 153/20</p> <p>re [2] 135/8 161/20</p> <p>re-ask [1] 161/20</p> <p>re-direct [1] 135/8</p> <p>reach [1] 138/12</p> <p>reached [1] 76/6</p> <p>reaction [2] 58/7 164/9</p> <p>read [28] 4/13 4/14 4/19 5/2</p>		

Case 2:15-cv-05834-JCJ Document 45-1 Filed 05/16/17 Page 216 of 229		
R	right [53] 2/6 2/19 5/22 6/2 6/4 6/10 9/2 9/8 11/1 32/8 35/20 36/19 37/2 40/10 40/20 40/22 42/23 43/12 50/6 51/22 53/21 53/23 58/17 73/16 74/5 74/12 80/21 81/11 83/18 88/2 88/15 89/1 89/17 97/2 97/8 97/23 105/17 110/19 110/20 110/20 133/10 137/17 158/22 178/4 180/3 181/18 182/17 186/15 187/7 187/20 188/3 188/4 188/5	183/17 53/7 saying [18] 29/20 37/17 38/12 52/1 52/17 54/13 58/11 63/9 77/19 78/7 90/8 91/16 96/19 98/3 138/5 149/18 155/25 186/6
remind [1] 123/16	rights [9] 3/24 27/6 32/16 32/17 78/13 112/3 127/13 139/11 139/13	says [21] 35/13 63/4 76/19 78/12 86/14 86/15 104/19 107/14 111/6 111/17 112/2 119/18 120/1 126/23 132/24 153/5 154/24 157/12 157/23 161/17 161/20
rental [1] 175/13	Rite [1] 104/14	scam [1] 39/20
reorder [1] 90/7	room [8] 1/20 11/6 51/5 51/5 95/4 167/25 171/25 172/23	scan [1] 129/1
reordering [1] 90/9	Roughly [2] 84/3 101/20	scared [1] 173/15
reorders [2] 9/4 98/4	round [3] 39/10 40/4 40/7	schedule [4] 67/5 105/3 166/20 166/20
rep [1] 8/16	route [1] 104/5	scheduled [1] 59/16
repay [1] 15/20	routine [2] 171/4 171/11	school [7] 171/2 171/10 171/10 172/19 174/15 174/23 175/25
repayment [1] 26/20	RPR [1] 1/19	schools [1] 170/25
repeat [4] 63/10 115/10 125/15 151/16	ruined [2] 169/22 170/2	scope [2] 173/8 183/24
repetitious [1] 53/17	ruling [2] 184/13 187/7	Scott [1] 67/19
rephrase [2] 65/1 121/7	run [4] 67/24 67/25 68/6 109/20	screaming [2] 50/10 52/6
replace [1] 110/14	running [2] 109/25 166/24	screen [2] 94/18 94/20
replacement [1] 28/19	S	screens [1] 98/17
report [7] 94/13 95/4 95/5 95/6 95/6 95/7 95/7	S.J [1] 1/10	scripts [2] 105/17 105/19
reported [1] 87/20	said [59] 24/3 24/10 24/12 35/25 42/5 43/13 43/16 46/15 47/13 50/7 50/12 50/14 50/17 50/23 51/14 54/8 55/4 59/10 59/18 62/12 62/12 62/13 62/24 63/5 63/7 63/8 64/5 74/4 77/15 78/6 88/20 93/14 93/14 95/11 96/12 96/25 97/25 99/21 99/22 99/23 107/9 126/5 132/13 136/2 138/1 150/11 151/20 151/25 153/23 158/20 165/24 166/5 166/8 168/2 175/19 179/21 179/25 180/4 180/21	scrolled [1] 24/3
reporter [1] 6/17	said that [1] 24/10	seasonal [1] 110/19
Reporters [1] 1/20	sale [6] 27/6 28/12 78/12 117/18 125/4 127/12	seat [1] 113/7
reporting [1] 64/4	sales [4] 97/4 98/8 98/8 98/12	seated [1] 123/15
reports [2] 105/11 105/13	same [17] 18/4 21/3 23/7 71/8 71/18 87/16 102/21 102/23 102/24 121/21 129/18 145/9 171/2 171/8 171/8 171/10 181/1	second [19] 1/18 10/11 18/17 26/12 26/13 89/20 107/11 108/3 110/9 111/4 111/16 111/21 112/13 114/6 124/17 139/8 145/7 151/5 173/3
represent [6] 48/14 59/20 81/6 82/1 82/15 82/18	Saturday [1] 98/11	second-to-last [1] 112/13
represents [2] 141/1 145/20	saw [3] 17/24 36/2 107/22	section [3] 32/16 148/7 149/25
request [9] 21/3 23/7 78/1 78/4 78/6 78/7 107/2 184/21 184/22	say [60] 4/14 10/6 17/22 29/15 36/14 38/11 54/14 55/19 56/1 58/23 61/23 62/9 65/3 74/10 77/10 79/7 82/23 83/22 84/12 84/20 85/2 85/4 89/9 91/18 92/8 92/14 94/24 95/23 96/21 105/5 105/20 106/9 106/14 112/9 115/4 120/12 125/9 126/15 130/3 132/18 134/3 142/5 150/16 152/2 153/2 153/7 153/8 154/11 157/10 158/18 167/21 168/11 168/12 169/21 170/7 173/1 180/24 181/2 181/17	secured [4] 10/3 10/5 10/6 136/13
requested [2] 74/24 78/2		see [61] 12/16 13/17 17/5 26/24 27/5 27/7 29/20 29/22 29/24 35/25 36/5 42/19 45/3 46/5 49/8 50/9 61/5 62/17 62/25 67/13 70/23 77/15 83/3 85/10 87/16 90/15 90/15 91/14 92/1 94/22 100/4 107/17 111/5 111/17 111/19 111/19 112/2 115/23 119/18 120/8 123/10 124/8 126/22 126/24 127/13 129/2 129/11 132/12 132/17 132/22 133/20 141/11 142/8 155/12 157/5 164/17 169/23 170/12 170/15 172/21 184/1
require [4] 133/25 136/10 137/5 158/22		seeking [1] 187/22
required [6] 11/23 12/4 116/15 129/7 158/17 182/10		seem [3] 96/10 123/6 156/20
requirement [2] 12/9 184/24		seemed [2] 75/19 130/22
requires [1] 136/1		seems [1] 87/22
rescues [1] 172/9		seen [1] 89/4
reserves [1] 112/3		sees [1] 87/7
reside [1] 7/7		self [3] 64/23 64/25 103/13
residence [3] 7/4 100/25 169/16		self-medicating [1] 103/13
respect [3] 13/5 66/21 187/9		sell [2] 27/1 112/16
respond [4] 37/23 38/8 45/22 116/10		selling [2] 97/9 97/9
responded [1] 38/8		sells [2] 89/18 94/13
response [4] 77/22 77/23 159/8 160/22		semi [1] 135/17
responsibilities [1] 8/19		semi-performing [1] 135/17
responsible [3] 57/20 96/12 162/24		send [1] 23/22
responsive [4] 85/19 92/12 100/8 101/8		sending [4] 16/1 38/15 53/4
rest [2] 161/5 183/1		
restaurant [2] 59/8 182/12		
result [11] 35/4 42/22 60/7 62/15 63/24 64/15 67/8 68/15 173/13 173/22 174/4		
results [1] 95/4		
resume [2] 69/17 69/19		
resumed [2] 69/15 123/13		
retain [2] 45/10 45/12		
retained [3] 9/8 83/10 83/11		
retrospect [1] 63/17		
return [5] 9/6 21/1 23/5 24/23 86/22		
Returned [1] 119/19		
Reuter [3] 3/7 3/8 3/16		
review [4] 135/13 138/1 161/10 161/12		
reviewing [1] 108/4		
revolving [2] 10/21 10/21		
rid [1] 9/6		
riding [1] 171/22		

S	94/19 94/20 94/23 104/19 105/12 152/18 153/15 154/12 105/12 152/18 153/15 154/12	19/3 19/13 24/16 25/4 25/7 24/6 24/5 166/37/18 38/1 38/11 38/19 39/9 39/13 40/20 40/24 42/14 42/19 43/12 43/23 45/9 50/6 53/17 55/17 55/22 63/5 63/11 63/13 65/24 67/17 67/18 67/22 67/24 68/3 68/5 68/7 75/5 77/24 78/4 78/11 78/11 78/13 79/21 80/16 80/23 82/4 82/22 84/19 84/20 84/23 86/21 87/8 87/10 88/12 89/2 89/16 89/20 89/25 90/7 92/1 92/20 94/17 94/19 94/22 95/3 95/9 95/14 95/17 95/18 96/12 96/19 97/16 97/17 97/19 101/11 101/12 101/14 102/4 102/10 105/7 105/16 105/19 105/21 106/7 106/15 106/23 107/4 109/19 110/5 110/16 116/1 116/11 121/21 124/5 128/5 129/18 130/6 130/8 132/25 133/13 135/9 138/3 141/9 142/1 142/21 143/12 143/20 143/25 144/16 144/18 145/1 145/8 145/11 149/2 149/19 150/9 152/11 153/6 155/2 155/6 155/10 155/17 155/17 156/11 156/17 156/22 160/11 165/17 165/19 165/25 166/21 166/24 167/12 167/15 168/5 168/11 168/25 170/3 170/17 172/9 172/21 173/1 173/25 174/11 174/14 174/22 175/10 175/16 177/9 179/7 179/14 180/17 181/4 187/1 187/2 188/2 so I [1] 116/11 social [2] 165/10 166/11 sold [6] 93/10 93/17 93/18 93/19 93/21 93/21 some [15] 5/18 28/4 28/5 45/22 54/5 84/18 89/16 93/23 98/9 101/24 103/24 106/7 156/24 167/4 174/2 somebody [3] 76/15 92/20 180/7 someone [10] 47/9 52/1 54/3 58/9 65/8 66/11 73/17 77/5 87/7 92/19 something [23] 4/16 51/22 51/22 52/25 54/5 62/8 62/9 65/10 66/11 74/5 89/18 90/23 91/7 93/2 93/3 110/15 133/12 138/22 138/22 149/10 151/13 151/19 165/18 sometimes [3] 96/16 96/17 144/12 somewhere [3] 95/13 166/22 166/23 son [2] 65/12 114/3 sorry [64] 10/21 12/3 14/6 19/10 26/12 34/3 43/16 43/18 51/18 53/19 56/4 62/23 63/10 68/5 72/8 73/11 83/9 87/19 97/14 107/9 109/4 110/1 111/9 111/9 111/9 111/20 115/10 117/25 118/8 119/15 120/20 121/5 125/15 126/5 128/6 128/19 131/1 131/13 132/10 136/17 138/18 138/19 142/19 143/14
Case 2:15-cv-05834-JCJ Document 45 Filed 05/16/17 Page 217 of 229	94/19 94/20 94/23 104/19 105/12 152/18 153/15 154/12 105/12 152/18 153/15 154/12	19/3 19/13 24/16 25/4 25/7 24/6 24/5 166/37/18 38/1 38/11 38/19 39/9 39/13 40/20 40/24 42/14 42/19 43/12 43/23 45/9 50/6 53/17 55/17 55/22 63/5 63/11 63/13 65/24 67/17 67/18 67/22 67/24 68/3 68/5 68/7 75/5 77/24 78/4 78/11 78/11 78/13 79/21 80/16 80/23 82/4 82/22 84/19 84/20 84/23 86/21 87/8 87/10 88/12 89/2 89/16 89/20 89/25 90/7 92/1 92/20 94/17 94/19 94/22 95/3 95/9 95/14 95/17 95/18 96/12 96/19 97/16 97/17 97/19 101/11 101/12 101/14 102/4 102/10 105/7 105/16 105/19 105/21 106/7 106/15 106/23 107/4 109/19 110/5 110/16 116/1 116/11 121/21 124/5 128/5 129/18 130/6 130/8 132/25 133/13 135/9 138/3 141/9 142/1 142/21 143/12 143/20 143/25 144/16 144/18 145/1 145/8 145/11 149/2 149/19 150/9 152/11 153/6 155/2 155/6 155/10 155/17 155/17 156/11 156/17 156/22 160/11 165/17 165/19 165/25 166/21 166/24 167/12 167/15 168/5 168/11 168/25 170/3 170/17 172/9 172/21 173/1 173/25 174/11 174/14 174/22 175/10 175/16 177/9 179/7 179/14 180/17 181/4 187/1 187/2 188/2 so I [1] 116/11 social [2] 165/10 166/11 sold [6] 93/10 93/17 93/18 93/19 93/21 93/21 some [15] 5/18 28/4 28/5 45/22 54/5 84/18 89/16 93/23 98/9 101/24 103/24 106/7 156/24 167/4 174/2 somebody [3] 76/15 92/20 180/7 someone [10] 47/9 52/1 54/3 58/9 65/8 66/11 73/17 77/5 87/7 92/19 something [23] 4/16 51/22 51/22 52/25 54/5 62/8 62/9 65/10 66/11 74/5 89/18 90/23 91/7 93/2 93/3 110/15 133/12 138/22 138/22 149/10 151/13 151/19 165/18 sometimes [3] 96/16 96/17 144/12 somewhere [3] 95/13 166/22 166/23 son [2] 65/12 114/3 sorry [64] 10/21 12/3 14/6 19/10 26/12 34/3 43/16 43/18 51/18 53/19 56/4 62/23 63/10 68/5 72/8 73/11 83/9 87/19 97/14 107/9 109/4 110/1 111/9 111/9 111/9 111/20 115/10 117/25 118/8 119/15 120/20 121/5 125/15 126/5 128/6 128/19 131/1 131/13 132/10 136/17 138/18 138/19 142/19 143/14

<p>S</p> <p>sorry... [20] 143/23 145/4 148/7 148/11 150/6 150/17 151/16 154/3 155/4 155/5 156/19 157/6 158/23 158/23 159/4 160/16 161/18 162/13 170/4 183/16</p> <p>sort [17] 28/4 46/17 50/10 51/6 58/11 61/6 61/20 62/7 62/8 63/20 66/4 84/18 90/21 93/23 103/24 166/15 167/12</p> <p>South [1] 1/15</p> <p>speak [1] 45/25</p> <p>speaking [3] 4/2 47/4 68/16</p> <p>specific [5] 125/9 126/15 148/15 153/9 153/10</p> <p>specifically [3] 74/1 122/19 152/19</p> <p>specifics [4] 20/10 22/12 28/14 148/2</p> <p>specify [1] 62/1</p> <p>speculate [1] 91/15</p> <p>speculation [2] 91/11 91/19</p> <p>speed [1] 63/20</p> <p>spent [1] 57/1</p> <p>spiked [1] 94/25</p> <p>spiral [1] 64/6</p> <p>split [1] 67/18</p> <p>spoke [3] 46/2 63/5 175/13</p> <p>spoken [1] 174/23</p> <p>spring [7] 7/5 7/18 10/10 18/18 110/20 162/22 168/12</p> <p>SSA [1] 175/1</p> <p>stamps [2] 155/4 155/6</p> <p>stand [3] 6/8 69/19 147/1</p> <p>Standard [5] 67/15 67/24 68/5 80/17 95/22</p> <p>standing [2] 6/11 67/14</p> <p>start [4] 24/18 90/10 141/9 168/10</p> <p>started [6] 2/7 61/18 121/5 138/4 147/3 157/1</p> <p>starts [5] 32/15 70/21 109/16 111/23 139/8</p> <p>state [21] 3/18 20/14 22/19 26/18 26/22 29/14 29/18 31/15 31/22 33/25 34/8 34/15 34/24 41/23 42/12 56/15 78/19 78/24 119/7 119/9 129/7</p> <p>stated [3] 42/18 75/10 151/14</p> <p>statement [38] 2/25 14/22 16/5 17/2 24/15 49/14 50/14 51/16 52/16 52/18 53/5 54/22 54/24 57/9 57/9 59/6 62/10 65/10 71/5 71/10 73/6 73/20 74/24 75/19 76/7 79/21 79/22 126/7 126/13 133/23 134/15 134/19 138/15 160/11 181/16 181/22 181/23 182/10</p> <p>statements [32] 2/24 12/5 12/21 13/3 13/19 13/24 14/19 16/1 23/18 29/2 38/10 42/19 42/22 42/25 46/6 50/15 50/16 52/19 53/7 53/10 53/11 70/16 74/16 77/4 77/6 77/7 77/12 78/1 78/4 78/6 78/7 146/12</p> <p>states [6] 1/1 70/16 73/8 76/2 120/10 158/22</p>	<p>stats [1] 46/13</p> <p>Status [3] 57/7 69/25 115/174</p> <p>statute [1] 185/15</p> <p>stay [3] 7/21 165/22 174/19</p> <p>stay-at-home [1] 7/21</p> <p>stayed [4] 171/18 172/22 174/22 175/6</p> <p>staying [1] 171/16</p> <p>stead [1] 177/13</p> <p>step [7] 6/10 127/7 143/12 162/3 162/4 182/18 182/18</p> <p>steps [1] 75/7</p> <p>stick [1] 85/5</p> <p>still [15] 36/17 54/7 54/8 77/4 84/18 84/19 85/4 85/7 85/9 85/9 123/16 167/20 171/2 171/8 173/9</p> <p>stock [1] 98/5</p> <p>stop [2] 18/17 53/17</p> <p>stopped [5] 14/2 23/18 151/8 165/14 179/19</p> <p>stores [1] 171/25</p> <p>straight [2] 66/19 159/4</p> <p>street [8] 1/15 1/20 7/5 7/18 10/10 18/19 162/22 171/7</p> <p>strengthened [1] 94/5</p> <p>stress [1] 99/16</p> <p>stressed [2] 59/13 168/19</p> <p>strictly [1] 156/2</p> <p>strike [9] 14/17 23/17 67/11 70/12 120/12 130/8 131/10 135/24 172/11</p> <p>studied [1] 81/12</p> <p>studies [3] 8/11 8/14 102/2</p> <p>stuff [7] 8/24 19/13 51/25 101/12 105/16 105/18 166/1</p> <p>subject [1] 159/14</p> <p>submission [1] 187/25</p> <p>submit [1] 185/24</p> <p>submitted [1] 186/6</p> <p>submitting [1] 4/20</p> <p>subparagraph [1] 32/16</p> <p>subsequent [1] 43/4</p> <p>substance [1] 4/10</p> <p>substantially [1] 88/1</p> <p>subtract [1] 142/18</p> <p>such [9] 20/11 21/1 21/4 22/13 23/5 23/8 28/15 75/18 134/19</p> <p>sudden [3] 42/6 51/15 55/23</p> <p>sued [2] 44/15 47/6</p> <p>suffer [5] 5/21 100/21 173/23 173/25 174/2</p> <p>suffered [4] 99/2 99/16 100/3 100/12</p> <p>suggest [2] 54/20 153/14</p> <p>suggested [2] 59/24 130/21</p> <p>suggests [1] 15/24</p> <p>suing [4] 62/18 63/2 63/6 63/7</p> <p>suit [1] 43/6</p> <p>sum [2] 4/10 54/4</p> <p>summary [1] 107/20</p> <p>summer [1] 110/20</p> <p>sums [1] 112/6</p> <p>supplement [5] 186/14 186/25 187/5 187/12 187/14</p> <p>supplement depending [1] 187/12</p> <p>supplemental [1] 186/7</p> <p>supplementation [1] 187/10</p> <p>support [1] 12/14</p>	<p>supposed [4] 76/21 166/4 66/5 114/14</p> <p>sure [29] 8/23 9/1 9/4 39/24 72/24 115/4 115/11 115/25 128/4 128/25 129/17 131/16 132/24 136/5 140/14 141/4 143/5 148/10 149/9 150/14 153/6 155/13 156/10 157/2 157/9 157/17 157/22 167/9 176/18</p> <p>Sure.BY [1] 184/22</p> <p>suspect [2] 38/6 38/12</p> <p>sustained [1] 135/4</p> <p>sworn [5] 6/12 6/13 113/15 123/17 162/14</p> <p>system [2] 59/12 66/1</p> <p>T</p> <p>Tab [1] 176/12</p> <p>table [2] 4/22 6/15</p> <p>tailspin [1] 51/9</p> <p>take [47] 2/23 5/6 11/9 12/12 12/24 28/8 48/11 58/9 59/10 60/6 60/22 61/7 65/12 66/12 67/12 69/7 69/24 70/8 75/17 84/10 87/6 87/6 95/4 95/16 98/16 102/13 102/25 104/10 105/2 105/4 105/7 105/25 106/1 106/4 115/5 123/9 128/24 133/1 142/3 143/23 144/13 144/16 149/17 163/11 172/11 174/8 174/16</p> <p>taken [9] 19/23 39/2 50/11 50/20 51/17 65/24 71/7 175/3 180/16</p> <p>takes [3] 163/12 177/7 177/9</p> <p>taking [15] 7/23 28/3 50/21 53/13 59/2 59/2 59/3 65/9 102/20 102/24 106/7 106/20 111/3 177/25 178/24</p> <p>talk [10] 19/2 63/21 79/6 91/1 91/4 98/10 164/5 164/7 164/18 173/17</p> <p>talked [4] 58/15 99/15 134/14 158/20</p> <p>talking [17] 18/25 19/20 40/20 40/21 45/7 50/19 52/11 52/23 52/24 88/16 103/18 110/11 110/12 112/20 121/14 178/2 178/5</p> <p>talking there [1] 103/18</p> <p>talks [1] 112/14</p> <p>Tartrate [1] 60/20</p> <p>tax [1] 90/1</p> <p>teachers [1] 175/25</p> <p>telephone [26] 11/15 45/10 45/18 45/19 47/13 50/5 52/4 54/19 54/25 55/3 58/5 58/7 60/4 60/7 61/11 61/24 63/24 82/18 105/1 146/6 146/20 148/24 163/24 164/19 164/24 178/6</p> <p>television [1] 168/1</p> <p>tell [37] 3/13 12/13 13/9 24/12 24/13 25/18 28/2 30/9 31/25 32/3 32/6 34/18 34/21 46/10 51/21 53/24 54/9 54/9 56/18 57/8 67/15 69/25 90/16 91/20 93/9 93/11 93/20 94/3 102/10 102/13 102/17 103/5 143/3 158/8 162/20 175/25 178/14</p> <p>tellers [2] 36/5 182/5</p>
---	--	--

T	3/8 3/10 3/15 3/19 4/13	62/23 62/25 63/2 63/11
telling [7] 28/11 35/9 83/3	4/13 4/14 4/15 4/16 4/17	63/13 63/15 64/1 64/9 64/17
93/13 93/13 94/21 98/4	5/21 5/23 6/1 7/7 7/23 8/3	64/18 65/1 65/5 65/17 65/17
telling me [1] 83/3	8/5 8/17 8/19 9/5 9/20 9/23	65/24 66/2 66/7 66/11 66/14
tells [1] 116/22	10/7 10/9 10/13 10/14 10/16	66/22 66/22 67/1 67/4 67/5
ten [11] 10/20 10/25 89/21	10/19 10/21 11/2 11/4 11/9	67/9 67/11 67/22 68/1 68/1
91/24 92/2 92/13 92/14 95/9	11/11 11/24 12/6 12/8 12/13	68/2 68/11 68/22 68/23 70/2
106/18 149/8 167/22	12/14 13/2 13/5 13/5 13/10	70/5 70/6 70/6 70/9 70/13
ten-year [2] 10/20 10/25	13/11 13/13 13/17 14/4 14/5	70/16 70/17 70/20 70/21
TEPPER [38] 1/3 1/4 6/8 6/13	14/10 14/15 14/17 14/20	70/23 70/24 71/1 71/6 71/9
7/3 7/5 7/11 7/11 7/14 7/17	14/22 15/5 15/8 15/13 15/23	71/18 72/1 72/6 72/11 72/22
37/4 50/7 52/3 56/3 69/24	15/23 15/24 16/24 17/1 17/5	73/6 73/20 73/21 73/22
71/17 79/7 98/23 111/3	17/7 17/25 18/2 18/18 18/23	73/23 74/4 74/10 74/23 75/2
113/3 124/25 129/22 134/13	19/12 19/14 19/16 19/20	75/6 75/10 75/13 75/18
138/11 138/14 146/7 146/15	19/21 19/22 20/1 20/1 20/6	76/18 76/20 77/7 77/19
148/24 160/24 162/12 162/14	20/14 21/4 21/8 21/8 21/11	77/23 77/25 78/8 78/19
162/17 169/2 169/7 173/23	21/23 22/2 22/2 22/7 22/19	78/20 78/24 79/5 79/10
174/3 181/12 184/17	23/8 23/17 23/24 24/1 24/7	79/11 79/12 79/20 80/7
Teppers [27] 3/17 3/22 117/4	24/10 24/15 24/21 24/21	80/10 81/7 81/25 82/5 82/14
122/2 122/11 123/4 125/12	24/24 25/1 25/3 25/5 25/8	82/18 82/23 83/21 84/4
125/17 126/8 127/17 129/11	25/10 25/15 25/17 25/23	84/14 85/5 86/5 86/5 86/18
131/22 132/6 133/3 133/18	25/24 26/3 26/11 26/18	86/22 86/25 87/6 87/10
149/12 151/1 152/1 152/19	26/24 27/1 27/5 27/7 27/9	87/12 87/17 87/22 88/11
153/14 153/19 153/21 154/7	27/10 27/14 28/3 28/4 28/7	88/13 88/13 88/14 89/6 89/6
154/17 156/12 157/24 158/8	28/8 29/6 29/7 29/8 29/12	89/14 90/16 90/20 91/8
Teppers' [1] 123/24	29/14 29/16 29/18 29/20	91/11 91/12 91/22 91/22
term [4] 10/19 10/25 11/2	29/20 29/23 29/25 30/14	91/23 92/2 92/5 92/10 93/4
17/11	30/17 30/18 30/22 30/25	93/6 93/8 93/11 93/25 93/25
terminate [6] 26/19 35/11	31/4 31/4 31/8 31/9 31/10	94/2 94/10 94/22 94/25 95/1
49/19 112/10 153/3 154/9	31/13 31/15 31/22 32/1 32/7	95/1 95/11 95/14 95/19
terminated [7] 31/22 34/15	32/7 32/10 32/12 32/15	95/21 95/22 95/25 96/1 96/5
42/13 49/16 56/15 152/13	32/15 33/4 33/5 33/8 33/11	96/5 96/10 96/14 96/14
154/5	33/11 33/18 33/18 33/19	96/16 96/25 97/1 97/10
terminating [3] 152/19	33/23 33/23 33/25 34/8	97/12 97/13 97/15 97/18
153/24 156/12	34/15 34/19 34/24 35/3 35/4	97/21 98/1 98/4 98/5 98/5
termination [11] 32/18 32/24	35/17 35/18 35/22 35/23	99/4 99/14 100/2 100/4
33/1 139/13 153/15 154/24	36/1 36/2 36/2 36/8 36/8	100/12 100/19 100/23 100/24
157/15 157/18 157/25 158/6	36/8 36/21 36/22 36/23	101/2 101/5 101/11 101/13
158/18	36/24 37/6 37/8 37/16 37/24	102/1 102/20 103/6 103/8
terms [13] 12/5 13/10 15/12	37/24 38/1 38/4 38/7 38/8	103/12 103/23 103/23 103/24
35/13 35/14 42/20 89/12	38/9 38/14 38/17 38/19	104/5 104/9 105/19 106/18
89/13 89/17 127/9 160/21	38/24 39/4 39/6 40/16 40/25	106/22 107/5 107/17 107/18
164/8 164/23	41/12 41/13 41/15 41/17	108/1 109/1 109/1 109/5
testified [8] 78/8 100/13	41/17 41/17 41/20 41/23	109/13 109/20 110/13 110/14
101/2 102/1 102/20 146/16	42/1 42/3 42/4 42/7 42/12	110/21 111/17 111/18 111/19
159/9 183/14	42/19 42/20 42/22 43/1 43/2	111/24 112/2 112/2 112/9
testify [2] 137/11 150/10	43/4 43/5 43/11 43/13 43/13	112/11 112/15 112/20 112/21
testifying [2] 141/19 148/19	43/14 43/24 44/15 44/15	112/22 114/1 114/4 114/7
testimony [12] 52/4 74/16	44/17 44/21 44/22 45/2 45/3	114/11 114/13 114/14 114/14
100/17 114/14 148/17 149/3	45/5 45/5 45/5 45/6 45/12	114/15 114/19 115/1 115/4
163/24 180/19 182/20 185/12	45/14 45/16 45/21 46/5	115/6 115/10 115/12 115/14
185/25 186/10	46/10 46/11 46/12 46/15	115/19 115/22 115/23 116/1
text [3] 45/22 45/23 94/7	46/17 46/23 46/24 46/24	116/2 116/3 116/22 117/3
than [31] 15/13 18/19 18/23	46/25 47/2 47/5 47/7 47/8	117/4 117/5 117/8 117/10
25/11 28/11 46/21 55/15	47/8 47/9 47/10 47/11 47/13	117/18 117/21 117/23 118/1
55/17 55/25 56/21 72/14	47/14 47/16 47/18 48/1 48/5	118/1 118/4 118/5 118/10
72/14 73/22 73/23 89/3	48/8 48/14 48/23 49/1 49/5	118/13 118/18 118/20 118/20
90/25 95/19 95/21 96/8	49/5 49/8 49/10 49/16 49/19	119/7 119/12 119/13 119/15
96/14 96/14 100/4 100/12	50/5 50/11 50/20 51/1 51/11	119/18 120/1 120/5 120/8
102/19 131/12 151/13 151/20	51/16 52/25 53/19 53/22	120/10 120/12 120/14 120/14
157/19 160/12 162/8 167/19	53/24 53/25 54/3 54/6 54/12	120/17 120/19 120/24 121/2
thank [38] 2/8 4/25 6/22	54/16 54/19 54/20 54/23	121/9 121/10 121/21 122/2
33/3 35/16 48/25 69/10	55/4 55/8 55/9 55/9 55/10	122/9 122/11 122/19 123/1
69/11 69/21 71/12 71/13	55/12 55/13 55/15 55/16	123/5 123/6 123/16 123/23
71/20 74/7 74/13 76/24	55/16 55/18 56/1 56/5 56/8	124/8 124/11 124/16 124/21
83/14 85/22 92/24 98/21	56/10 56/15 57/2 57/6 57/14	124/24 124/24 125/14 125/15
111/13 113/3 117/1 123/18	57/25 58/1 58/7 58/15 58/18	125/16 125/18 125/20 125/25
123/21 133/8 135/10 137/19	58/20 59/7 59/10 59/14	126/4 126/6 126/7 126/10
150/2 150/15 169/2 169/4	59/15 59/16 59/18 59/20	126/13 126/14 126/20 126/25
169/13 181/6 182/19 186/19	59/21 59/22 59/24 60/4	127/3 127/6 127/7 127/10
186/21 188/7 188/8	60/12 60/13 60/13 60/15	127/13 127/15 127/15 127/22
that [901] 2/16 2/18 2/19	60/16 60/22 60/23 60/25	128/15 128/16 129/3 129/4
	61/1 61/17 62/7 62/12 62/17	129/15 130/8 130/15 130/22

<div> <div>T</div> <div>Case 2:15-cv-05834-JCJ Document 45 Filed 05/16/17 Page 220 of 229</div> <div>that... [249]</div> <div>130/22 131/6</div> <div>131/20 131/22 132/1 132/2</div> <div>132/3 132/6 132/7 132/13</div> <div>132/14 132/18 132/18 132/19</div> <div>132/22 133/1 133/3 133/5</div> <div>133/9 133/10 133/13 133/17</div> <div>133/20 133/22 133/23 133/25</div> <div>134/6 134/13 134/14 134/18</div> <div>134/21 135/14 135/19 135/19</div> <div>135/24 136/16 137/1 137/13</div> <div>137/25 138/2 138/14 138/15</div> <div>138/15 138/17 138/20 138/23</div> <div>138/24 138/25 139/8 139/10</div> <div>139/21 139/22 139/25 140/2</div> <div>140/7 141/11 141/23 142/22</div> <div>143/3 144/8 144/9 144/9</div> <div>144/14 144/18 144/22 144/24</div> <div>145/1 145/13 145/16 146/9</div> <div>146/16 146/22 147/2 147/6</div> <div>147/7 147/8 148/5 148/17</div> <div>148/20 148/22 148/24 148/25</div> <div>149/2 149/2 149/3 149/10</div> <div>149/11 149/12 149/22 150/6</div> <div>150/10 150/11 150/12 150/23</div> <div>150/25 150/25 151/4 151/15</div> <div>151/16 151/17 151/18 151/24</div> <div>151/25 152/3 152/6 152/8</div> <div>152/14 152/19 152/22 152/23</div> <div>153/2 153/2 153/6 153/10</div> <div>153/15 153/16 153/17 154/8</div> <div>154/10 154/11 154/11 154/12</div> <div>154/15 154/18 154/21 154/23</div> <div>154/24 155/2 155/7 155/22</div> <div>156/1 156/3 156/5 156/9</div> <div>156/12 156/19 156/20 157/5</div> <div>157/12 157/15 157/23 157/24</div> <div>158/1 158/12 158/16 158/17</div> <div>158/20 159/10 159/13 159/14</div> <div>159/18 159/24 160/10 160/11</div> <div>161/2 161/5 163/7 163/12</div> <div>163/19 163/20 164/2 164/3</div> <div>164/4 164/6 164/7 164/9</div> <div>164/11 164/12 164/15 164/20</div> <div>164/24 165/6 165/7 165/13</div> <div>165/14 165/18 166/3 166/10</div> <div>166/12 166/14 166/15 167/12</div> <div>167/13 167/15 167/24 169/15</div> <div>169/23 169/25 170/10 171/15</div> <div>171/20 171/23 171/24 171/25</div> <div>172/12 172/20 174/5 174/6</div> <div>174/24 174/24 175/2 175/4</div> <div>175/4 175/5 175/9 175/17</div> <div>175/22 176/1 176/3 176/7</div> <div>176/11 176/14 176/15 176/21</div> <div>177/1 177/12 178/9 178/10</div> <div>178/14 179/3 179/7 179/10</div> <div>180/14 180/15 181/2 181/17</div> <div>182/3 182/5 183/7 184/8</div> <div>184/17 184/23 184/25 185/3</div> <div>185/9 185/9 186/10 186/10</div> <div>186/20 186/22 187/5 187/10</div> <div>187/11 187/17 187/23 188/1</div> <div>188/2 188/4 229/18</div> <div>that's [87]</div> <div>2/16 4/15 4/16</div> <div>4/23 23/24 27/11 30/1 35/14</div> <div>35/20 37/17 41/6 45/23</div> <div>49/15 50/25 51/3 51/3 52/10</div> <div>52/15 53/2 53/7 54/2 54/16</div> <div>56/2 57/9 57/9 63/2 63/3</div> <div>63/4 65/20 65/22 68/6 69/25</div> <div>73/10 73/24 76/20 78/15</div> </div>	<div> <div>78/18 79/10 79/14 79/14</div> <div>84/11 86/2 87/1 88/12</div> <div>91/13 94/18 96/10 97/6 97/8</div> <div>98/13 98/14 106/11 106/13</div> <div>114/5 114/8 119/22 121/12</div> <div>126/13 129/7 135/1 135/6</div> <div>137/25 138/9 138/16 139/22</div> <div>139/24 140/20 142/11 142/16</div> <div>145/3 145/15 149/6 151/14</div> <div>152/8 152/16 153/7 154/12</div> <div>158/3 160/20 175/11 177/6</div> <div>179/12 181/1 185/16 188/2</div> <div>188/6</div> <div>the [1361]</div> <div>1/1 1/1 1/14 1/17</div> <div>2/1 2/1 2/11 2/14 2/14 2/15</div> <div>2/17 2/18 3/9 3/13 3/14</div> <div>3/16 3/17 3/17 3/21 3/21</div> <div>3/22 3/24 4/7 4/7 4/10 4/10</div> <div>4/19 4/22 5/3 5/5 5/6 5/14</div> <div>5/21 5/23 6/7 6/8 6/11 6/15</div> <div>6/17 6/19 6/23 6/24 6/24</div> <div>7/17 7/22 7/23 8/5 8/7 8/21</div> <div>8/22 8/23 8/24 8/24 8/25</div> <div>8/25 9/1 9/3 9/4 9/5 9/5</div> <div>9/8 9/10 9/10 9/25 9/25</div> <div>10/1 10/1 10/1 10/3 10/6</div> <div>10/9 10/11 10/13 10/19 11/6</div> <div>11/8 11/12 12/5 12/5 12/8</div> <div>12/9 12/10 12/13 12/15</div> <div>12/18 13/2 13/6 13/6 13/10</div> <div>13/13 13/15 13/17 13/19</div> <div>13/19 13/21 13/22 13/23</div> <div>14/10 14/11 14/12 14/14</div> <div>14/18 14/19 14/22 15/1 15/2</div> <div>15/11 15/12 15/13 15/18</div> <div>15/19 15/20 15/22 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32/6</div> <div>32/7 32/8 32/11 32/14 32/14</div> <div>32/15 32/16 32/18 32/19</div> <div>32/20 32/21 32/22 32/22</div> <div>32/23 32/25 33/1 33/1 33/4</div> <div>33/19 34/4 34/4 34/6 34/12</div> <div>34/18 34/21 34/21 35/4 35/5</div> <div>35/11 35/12 35/13 35/13</div> <div>35/14 35/14 35/17 35/18</div> <div>35/22 35/22 35/23 36/5 36/5</div> <div>36/12 36/15 36/25 37/14</div> </div>	<div> <div>37/16 37/23 38/7 38/14</div> <div>38/21 39/2 39/2 40/4</div> <div>40/13 41/12 41/12 41/25</div> <div>42/5 42/10 42/18 42/19</div> <div>43/13 43/15 43/24 44/6</div> <div>44/10 44/10 44/13 44/21</div> <div>44/23 45/5 45/6 45/16 45/16</div> <div>45/24 46/6 46/6 46/8 46/9</div> <div>46/11 46/11 46/13 46/19</div> <div>46/24 47/7 47/10 47/24 48/1</div> <div>48/7 48/15 48/17 48/20 49/1</div> <div>49/2 49/5 49/6 49/14 49/22</div> <div>49/22 50/4 50/6 50/8 51/5</div> <div>51/11 51/12 51/13 51/19</div> <div>51/20 52/4 52/14 53/6 53/15</div> <div>53/19 54/3 54/3 54/18 55/2</div> <div>55/4 55/6 55/8 55/8 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<div>73/24 74/1 74/4 74/4 74/9</div> <div>75/2 75/3 75/5 75/8 75/11</div> <div>75/20 75/24 76/2 76/3 76/3</div> <div>76/6 76/8 76/11 76/17 76/18</div> <div>76/20 77/2 77/7 77/9 77/10</div> <div>77/22 77/25 77/25 78/1 78/5</div> <div>78/10 78/11 78/15 78/16</div> <div>78/18 78/19 78/24 78/25</div> <div>79/2 79/10 79/12 79/15</div> <div>79/17 80/7 80/18 80/18</div> <div>82/14 82/14 82/22 82/22</div> <div>82/23 82/24 83/4 83/18 84/1</div> <div>84/12 84/13 84/13 84/14</div> <div>84/21 84/21 84/21 85/5 85/6</div> <div>85/8 85/10 85/19 86/1 86/10</div> <div>86/22 87/8 87/11 87/16</div> <div>87/22 87/25 88/5 88/7 88/12</div> <div>88/13 88/16 88/18 88/19</div> <div>88/19 88/25 89/4 89/12</div> <div>89/14 89/14 89/25 90/3 90/3</div> <div>90/6 90/6 90/17 90/17 90/18</div> <div>90/18 90/20 91/1 91/2 91/2</div> <div>91/5 91/8 91/12 91/13 91/23</div> <div>92/7 92/9 92/13 92/14 92/14</div> <div>92/21 92/22 93/1 93/6 93/24</div> <div>94/2 94/4 94/7 94/7 94/9</div> <div>94/11 94/11 94/14 94/15</div> 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T	Case 2:15-cv-05834-JCJ Document 45 Filed 05/16/17 Page 222 of 229	
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97/13 97/17 102/11 102/13 155/1 157/7 176/20 185/5 188/2 these [15] 38/15 61/4 69/3 76/21 80/23 81/6 91/20 93/12 96/3 105/13 117/19 123/6 129/10 144/11 155/4 they [118] 3/9 3/22 3/24 3/25 9/11 12/7 14/3 24/3 24/3 24/10 24/12 32/10 35/22 36/2 36/2 38/5 38/9 38/15 38/19 38/21 38/22 41/13 42/7 42/23 43/13 43/13 43/24 46/8 46/21 48/5 49/9 51/4 53/4 53/5 55/4 55/5 55/9 55/9 55/16 55/16 55/19 55/22 59/8 62/17 62/21 62/24 62/24 63/3 64/12 64/13 66/17 66/17 66/17 68/3 72/19 72/22 75/2 77/12 77/14 78/20 80/9 83/3 87/7 87/9 87/9 88/20 89/2 91/15 92/1 92/2 92/21 93/1 93/2 93/3 93/4 93/4 94/6 94/15 96/3 96/7 96/8 105/12 107/18 108/14 108/16 108/17 108/17 108/18 112/20 121/22 122/11 125/6 134/7 137/7 151/24 154/12 171/21 171/22 171/23 171/23 171/24 171/24 171/25 172/1 172/18 178/19 180/4 180/14 180/24 181/2</p>	<p>182/9 182/13 183/13 183/18 183/20 184/1 81/1 81/10 they'11 [1] 144/13 they're [8] 7/11 7/12 50/21 58/10 65/9 80/8 80/13 90/8 thick [1] 155/9 thing [14] 4/19 35/25 39/2 62/9 64/17 64/21 79/15 108/7 110/18 142/1 158/17 161/13 168/20 176/21 things [20] 7/22 38/6 59/24 64/14 66/6 68/2 77/19 79/10 88/24 90/21 90/24 92/5 92/7 92/25 94/19 164/23 165/9 174/6 174/8 177/8 things aren't [1] 90/24 things that [1] 59/24 think [36] 53/7 53/21 55/22 58/10 75/20 76/5 82/23 83/22 86/15 96/12 100/5 100/23 110/19 110/22 115/22 116/7 116/11 120/21 129/1 130/2 130/3 146/13 154/19 155/2 158/3 158/14 160/5 160/24 165/5 168/15 168/25 170/6 170/8 173/25 174/5 174/6 thinking [4] 100/18 103/9 168/21 168/22 thinks [1] 168/20 third [6] 26/12 72/6 72/11 111/5 111/16 111/21 Thirty [1] 105/24 this [258] 2/14 3/2 3/3 3/6 3/12 6/7 14/2 14/23 15/25 16/5 17/10 17/13 17/17 17/17 17/19 17/20 17/22 17/23 17/24 17/25 18/3 19/20 20/2 20/6 21/16 21/23 22/3 22/7 24/3 25/24 26/3 27/10 27/14 27/23 28/1 28/7 28/14 29/12 30/17 31/13 35/18 36/21 37/15 37/16 37/19 37/21 39/13 39/16 39/19 39/21 39/25 41/21 41/23 42/12 42/15 42/17 42/20 45/10 45/13 45/18 46/7 46/13 47/22 48/14 49/24 50/8 51/7 51/25 52/6 53/3 53/4 53/5 53/9 54/11 54/25 55/2 55/15 55/17 55/20 56/7 56/8 58/11 58/12 59/4 59/5 59/13 60/7 61/18 62/8 62/10 64/15 65/2 65/23 66/10 68/7 69/2 70/10 71/1 71/5 72/6 74/3 77/15 77/17 77/19 77/19 77/21 77/21 79/5 79/8 79/9 79/11 79/12 79/23 81/13 82/13 85/9 85/12 85/14 86/10 86/12 88/9 88/12 88/21 88/21 88/21 88/22 89/3 90/9 90/17 90/18 90/24 91/9 92/11 93/12 93/13 93/14 93/15 93/15 94/24 96/24 98/24 100/4 100/6 103/9 103/21 103/24 104/10 104/14 104/17 104/19 107/1 107/4 107/4 107/6 107/18 107/20 108/4 110/18 112/8 112/21 114/9 115/14 115/16 115/22 116/5 116/9 116/22 117/19 119/5 120/10 120/14 120/23 122/4</p>	<p>122/13 123/20 125/13 125/19 126/1 126/13 127/2 127/7 127/9 127/16 127/19 127/22 128/2 128/9 128/12 129/4 129/21 130/12 130/16 131/7 132/18 133/9 134/8 134/9 134/21 134/23 135/9 138/15 139/11 139/14 140/21 141/25 142/25 143/5 144/17 145/8 145/8 145/18 145/20 146/15 147/17 147/24 148/9 153/1 153/3 153/10 153/16 154/25 155/9 155/14 155/15 156/3 156/16 159/4 159/14 159/19 160/8 160/23 160/23 161/2 164/12 164/15 164/17 166/1 166/14 166/17 166/19 168/17 168/20 169/9 176/20 176/23 176/24 178/6 178/24 179/22 179/22 183/8 184/13 185/2 185/3 185/19 186/3 187/23 188/10 this a [1] 79/23 those [33] 2/13 3/19 4/13 19/2 66/6 68/14 68/19 81/1 81/9 89/23 89/25 90/1 93/9 93/22 95/4 98/4 98/4 98/9 101/7 105/8 117/14 125/3 127/3 127/6 129/11 144/14 145/16 154/8 175/10 177/8 184/4 184/5 184/18 though [4] 144/10 144/14 157/14 157/25 thought [6] 39/19 100/5 149/17 154/3 183/19 187/23 thousand [1] 54/5 thousands [1] 97/11 threatening [2] 38/15 65/8 threats [3] 146/16 146/22 146/24 three [13] 16/25 60/8 67/23 95/12 95/19 96/17 108/11 109/25 110/2 110/3 120/20 151/18 173/12 three-year [2] 16/25 151/18 through [39] 4/14 13/22 17/12 17/20 17/22 18/6 18/9 39/6 42/18 47/21 51/20 52/13 56/21 58/1 62/8 64/7 64/16 70/6 80/14 85/5 93/12 94/12 94/13 104/10 106/12 106/14 128/24 129/1 130/18 141/12 142/2 144/21 150/24 151/8 152/3 154/16 158/4 161/24 166/11 through the [1] 142/2 throughout [3] 17/10 162/17 170/1 tickets [2] 174/21 175/10 tight [4] 180/5 180/6 180/25 181/4 tilt [2] 59/12 88/25 time [93] 6/7 9/14 13/6 14/1 14/10 14/20 15/1 15/18 15/24 17/24 18/2 20/6 22/7 23/23 25/17 26/3 26/25 27/14 27/25 28/23 29/12 30/10 31/3 31/13 32/1 32/3 33/23 34/19 34/21 35/3 38/21 40/13 40/25 43/24 44/10 45/14 45/16 47/10 48/1 49/5 60/22 61/18 61/19 64/1 68/2 76/20 82/14 82/14</p>

T	59/21 59/22 60/4 60/9 60/12 61/7 61/24 62/1 63/8 62/20 63/5 63/9 63/14 63/15 63/21 64/4 64/12 64/14 64/20 64/20 64/21 64/22 64/23 64/24 64/25 65/2 65/12 65/14 65/16 65/19 65/22 66/2 66/4 66/10 66/12 66/16 66/21 66/23 66/23 67/1 67/2 67/4 67/23 68/3 68/23 69/4 69/7 69/17 70/14 70/17 70/17 71/3 71/6 71/9 71/11 71/17 71/17 71/18 71/18 71/23 73/15 74/3 74/3 74/5 74/8 75/4 75/7 75/10 75/13 75/17 76/6 76/6 76/11 76/21 77/3 77/22 78/9 78/10 78/11 78/13 78/14 78/14 78/20 79/1 79/6 79/6 79/8 79/13 81/7 82/1 82/13 82/14 82/15 82/18 82/21 82/23 83/2 83/16 83/16 84/10 84/10 84/18 84/25 85/12 85/13 85/19 85/24 87/1 87/2 87/4 87/5 87/6 87/7 87/9 87/14 87/15 87/15 87/16 87/22 88/3 88/6 88/19 90/8 90/10 90/13 90/13 90/18 90/20 90/21 90/21 90/25 91/1 91/1 91/2 91/2 91/4 91/4 91/4 91/5 91/5 91/6 91/6 91/15 91/17 91/18 91/25 92/2 92/2 92/4 92/4 92/8 92/17 92/19 92/25 93/1 93/3 93/16 93/18 93/24 94/13 94/15 94/23 94/24 95/5 95/5 95/6 95/7 95/7 95/8 96/10 97/7 97/10 97/19 97/20 98/1 98/5 98/5 98/10 98/13 98/14 98/16 98/17 98/23 99/2 99/6 99/6 99/6 99/9 99/9 99/10 100/6 100/13 100/19 100/22 101/7 101/9 101/14 103/7 103/7 103/10 103/11 103/11 103/15 103/19 103/19 103/21 103/22 103/22 104/4 104/5 104/7 104/9 104/11 104/11 105/1 105/4 105/4 105/6 105/8 105/14 106/1 106/1 106/2 106/3 106/5 106/5 107/1 107/11 107/14 108/22 109/25 110/12 110/14 111/4 112/10 112/13 112/15 112/21 113/1 113/3 113/10 113/12 113/25 114/1 114/13 114/16 114/17 115/2 115/2 115/6 115/11 116/8 116/10 116/12 116/13 116/14 116/15 116/19 116/19 117/3 119/9 119/19 120/18 121/1 121/12 121/18 121/20 122/2 122/4 122/14 122/16 122/17 122/17 122/19 123/4 123/6 124/7 124/18 125/6 125/12 125/17 126/8 127/4 127/7 127/11 127/17 128/7 128/24 129/1 129/11 129/15 130/3 130/4 130/8 130/10 130/15 130/22 131/5 131/9 131/9 131/10 131/22 132/3 132/8 132/11 132/15 132/16 132/18 132/19 132/20 132/25 133/6 133/10 133/23 133/25 134/8 134/19 135/23 136/16 136/20 137/6 137/10 137/11 137/11 137/13 137/17 137/25 138/2 138/10 138/16 138/22 139/2 139/4 139/12 139/15 139/19 139/25 140/7 140/11 140/18 141/6 141/7 141/7 141/17 141/17 141/18 141/21 142/4 142/12 142/24 142/24 142/24 143/3 143/20 143/21 143/23 144/2 144/5 144/19 144/21 144/23 145/2 145/7 145/12 145/19 145/21 146/12 146/12 146/13 146/16 146/17 146/22 147/23 148/2 148/4 148/8 148/22 149/12 149/20 150/19 151/1 151/8 151/13 152/3 152/3 152/12 152/23 152/25 153/2 153/10 153/14 153/19 153/20 154/8 154/17 154/17 154/20 155/1 155/3 155/10 155/11 155/12 155/18 155/19 155/22 155/23 156/1 156/7 156/7 156/11 156/22 156/25 157/1 157/6 157/23 158/1 158/11 158/23 159/6 159/7 159/8 160/6 160/8 160/14 160/17 161/6 161/7 161/9 161/10 161/23 161/24 164/5 164/7 164/9 164/11 164/17 165/3 165/3 165/6 165/7 165/11 165/12 165/16 165/18 165/18 165/19 165/21 165/22 165/22 166/4 166/5 166/11 166/15 166/19 166/19 166/22 166/23 167/1 167/2 167/6 167/13 167/15 167/16 167/21 168/2 168/2 168/4 168/10 168/14 168/21 168/24 169/8 169/9 169/10 169/15 169/18 169/20 169/21 170/2 170/19 170/25 171/7 171/9 171/9 171/9 172/1 172/14 172/18 172/19 173/11 173/17 173/19 174/1 174/2 174/8 174/15 174/18 174/21 174/21 174/24 175/3 175/3 175/3 175/5 175/6 175/12 175/22 176/19 176/22 176/23 177/2 177/12 177/16 177/24 178/2 178/5 178/10 179/3 179/3 179/4 179/4 179/20 180/4 180/19 181/15 181/15 181/21 182/4 182/9 183/4 183/7 183/17 183/22 184/4 184/10 184/14 184/18 184/25 184/25 185/4 185/10 185/13 185/19 185/19 185/23 185/23 186/12 186/13 186/14 186/20 186/24 187/5 187/5 187/9 187/13 187/15 187/20 188/3 188/9	59/21 59/22 60/4 60/9 60/12 61/7 61/24 62/1 63/8 62/20 63/5 63/9 63/14 63/15 63/21 64/4 64/12 64/14 64/20 64/20 64/21 64/22 64/23 64/24 64/25 65/2 65/12 65/14 65/16 65/19 65/22 66/2 66/4 66/10 66/12 66/16 66/21 66/23 66/23 67/1 67/2 67/4 67/23 68/3 68/23 69/4 69/7 69/17 70/14 70/17 70/17 71/3 71/6 71/9 71/11 71/17 71/17 71/18 71/18 71/23 73/15 74/3 74/3 74/5 74/8 75/4 75/7 75/10 75/13 75/17 76/6 76/6 76/11 76/21 77/3 77/22 78/9 78/10 78/11 78/13 78/14 78/14 78/20 79/1 79/6 79/6 79/8 79/13 81/7 82/1 82/13 82/14 82/15 82/18 82/21 82/23 83/2 83/16 83/16 84/10 84/10 84/18 84/25 85/12 85/13 85/19 85/24 87/1 87/2 87/4 87/5 87/6 87/7 87/9 87/14 87/15 87/15 87/16 87/22 88/3 88/6 88/19 90/8 90/10 90/13 90/13 90/18 90/20 90/21 90/21 90/25 91/1 91/1 91/2 91/2 91/4 91/4 91/4 91/5 91/5 91/6 91/6 91/15 91/17 91/18 91/25 92/2 92/2 92/4 92/4 92/8 92/17 92/19 92/25 93/1 93/3 93/16 93/18 93/24 94/13 94/15 94/23 94/24 95/5 95/5 95/6 95/7 95/7 95/8 96/10 97/7 97/10 97/19 97/20 98/1 98/5 98/5 98/10 98/13 98/14 98/16 98/17 98/23 99/2 99/6 99/6 99/6 99/9 99/9 99/10 100/6 100/13 100/19 100/22 101/7 101/9 101/14 103/7 103/7 103/10 103/11 103/11 103/15 103/19 103/19 103/21 103/22 103/22 104/4 104/5 104/7 104/9 104/11 104/11 105/1 105/4 105/4 105/6 105/8 105/14 106/1 106/1 106/2 106/3 106/5 106/5 107/1 107/11 107/14 108/22 109/25 110/12 110/14 111/4 112/10 112/13 112/15 112/21 113/1 113/3 113/10 113/12 113/25 114/1 114/13 114/16 114/17 115/2 115/2 115/6 115/11 116/8 116/10 116/12 116/13 116/14 116/15 116/19 116/19 117/3 119/9 119/19 120/18 121/1 121/12 121/18 121/20 122/2 122/4 122/14 122/16 122/17 122/17 122/19 123/4 123/6 124/7 124/18 125/6 125/12 125/17 126/8 127/4 127/7 127/11 127/17 128/7 128/24 129/1 129/11 129/15 130/3 130/4 130/8 130/10 130/15 130/22 131/5 131/9 131/9 131/10 131/22 132/3 132/8 132/11 132/15 132/16 132/18 132/19 132/20 132/25 133/6 133/10 133/23 133/25 134/8 134/19 135/23 136/16 136/20 137/6 137/10 137/11 137/11 137/13 137/17 137/25 138/2 138/10 138/16 138/22 139/2 139/4 139/12 139/15 139/19 139/25 140/7 140/11 140/18 141/6 141/7 141/7 141/17 141/17 141/18 141/21 142/4 142/12 142/24 142/24 142/24 143/3 143/20 143/21 143/23 144/2 144/5 144/19 144/21 144/23 145/2 145/7 145/12 145/19 145/21 146/12 146/12 146/13 146/16 146/17 146/22 147/23 148/2 148/4 148/8 148/22 149/12 149/20 150/19 151/1 151/8 151/13 152/3 152/3 152/12 152/23 152/25 153/2 153/10 153/14 153/19 153/20 154/8 154/17 154/17 154/20 155/1 155/3 155/10 155/11 155/12 155/18 155/19 155/22 155/23 156/1 156/7 156/7 156/11 156/22 156/25 157/1 157/6 157/23 158/1 158/11 158/23 159/6 159/7 159/8 160/6 160/8 160/14 160/17 161/6 161/7 161/9 161/10 161/23 161/24 164/5 164/7 164/9 164/11 164/17 165/3 165/3 165/6 165/7 165/11 165/12 165/16 165/18 165/18 165/19 165/21 165/22 165/22 166/4 166/5 166/11 166/15 166/19 166/19 166/22 166/23 167/1 167/2 167/6 167/13 167/15 167/16 167/21 168/2 168/2 168/4 168/10 168/14 168/21 168/24 169/8 169/9 169/10 169/15 169/18 169/20 169/21 170/2 170/19 170/25 171/7 171/9 171/9 171/9 172/1 172/14 172/18 172/19 173/11 173/17 173/19 174/1 174/2 174/8 174/15 174/18 174/21 174/21 174/24 175/3 175/3 175/3 175/5 175/6 175/12 175/22 176/19 176/22 176/23 177/2 177/12 177/16 177/24 178/2 178/5 178/10 179/3 179/3 179/4 179/4 179/20 180/4 180/19 181/15 181/15 181/21 182/4 182/9 183/4 183/7 183/17 183/22 184/4 184/10 184/14 184/18 184/25 184/25 185/4 185/10 185/13 185/19 185/19 185/23 185/23 186/12 186/13 186/14 186/20 186/24 187/5 187/5 187/9 187/13 187/15 187/20 188/3 188/9	to like [1] 175/22 to.BY [1] 183/14 today [22] 3/20 5/24 7/15 14/14 18/19 18/23 19/15 25/7 37/25 38/1 47/24 64/25 91/17 100/2 100/5 150/10 152/3 166/20 173/17 186/1 186/10 188/9 today's [1] 162/18 together [2] 71/2 161/2 told [18] 38/19 42/24 43/1 43/2 44/15 46/9 47/7 51/16 54/23 65/24 77/9 79/20
----------	---	---	--

V									
vacation	[1]	95/17							
validity	[1]	71/8							
variable	[12]	10/23 15/13 18/11 32/19 32/25 35/5 130/12 130/22 131/2 131/4 138/6 139/14							
varied	[2]	73/1 160/21							
vendor	[6]	8/16 9/8 9/10 87/7 93/14 95/7							
vendors	[8]	66/24 87/6 89/16 92/10 96/10 108/8 108/12 109/18							
verbalize	[1]	140/25							
verbally	[1]	38/10							
verify	[1]	12/17							
versus	[2]	127/24 160/7							
very	[42]	2/22 4/4 4/24 5/4 5/9 6/9 36/11 41/6 44/8 71/12 75/19 78/18 81/14 83/12 84/25 85/2 85/21 86/25 87/2 87/6 87/10 88/7 89/3 89/19 90/12 105/13 105/19 109/2 110/23 113/7 147/15 147/20 162/2 162/11 166/10 169/2 171/6 182/17 183/1 184/5 185/16 185/18							
viable	[1]	40/14							
Viatech	[1]	109/8							
view	[2]	3/15 168/14							
violation	[1]	184/23							
Virginia	[1]	8/12							
visit	[1]	169/15							
volume	[3]	94/21 94/22 94/25							
voluntarily	[3]	20/20 20/21 22/24							
vs	[1]	1/6							
W									
wages	[1]	86/11							
wait	[12]	12/2 26/24 39/9 50/14 50/17 55/20 55/21 73/17 109/4 111/7 159/3 181/17							
waited	[2]	23/25 24/15							
waiting	[2]	79/4 173/10							
waive	[3]	20/20 20/21 22/24							
waiver	[4]	21/1 21/4 23/5 23/8							
wake	[4]	85/10 105/8 166/5 167/23							
wakes	[1]	168/21							
waking	[3]	101/24 166/3 168/23							
walk	[1]	142/2							
walls	[2]	173/5 173/8							
want	[45]	3/5 3/13 6/16 12/17 46/22 51/21 51/22 51/23 51/23 51/24 52/14 52/23 58/23 66/12 68/3 71/17 71/18 71/23 85/8 87/7 88/21 89/1 89/15 92/2 98/5 98/10 104/5 105/14 122/14 142/24 143/2 143/2 144/2 155/11 164/5 164/7 165/16 168/4 169/8 169/15 169/21 185/19 186/14 187/5 187/13							

<p>W</p> <p>wanted [8] 4/15 41/7 50/8 62/7 63/15 104/4 138/2 165/22</p> <p>wanting [1] 146/12</p> <p>wants [6] 85/12 85/13 91/25 150/19 165/11 173/18</p> <p>warehouse [2] 89/2 89/14</p> <p>was [444] 3/6 3/16 3/16 5/11 5/13 5/14 5/15 5/16 6/13 8/13 9/18 9/25 10/1 10/3 10/5 10/9 10/11 10/16 10/19 10/20 10/25 11/2 11/5 11/7 11/8 12/4 13/11 13/15 14/4 14/5 14/6 14/20 14/22 15/2 15/5 15/8 15/13 15/14 15/17 15/18 15/25 17/1 17/3 17/25 18/1 18/4 18/19 18/23 19/9 19/13 19/16 19/22 19/23 20/14 23/23 23/24 24/14 24/17 25/5 25/7 25/8 25/13 25/14 25/15 25/17 27/1 28/1 28/7 28/8 28/22 29/3 30/11 31/4 31/22 31/25 32/4 34/15 34/22 35/3 35/10 35/23 35/24 35/25 36/8 36/15 36/20 38/4 38/6 38/7 38/9 38/10 38/16 38/24 38/24 39/2 39/2 39/6 39/13 39/15 39/19 40/16 41/12 42/5 42/11 42/12 42/18 43/1 43/4 43/5 43/11 43/12 45/17 46/3 46/4 46/5 46/5 46/14 46/17 46/19 46/24 47/10 47/11 47/16 47/18 48/3 48/8 49/16 50/9 50/10 50/19 50/22 51/2 51/7 52/20 52/22 52/25 52/25 53/4 53/9 53/19 53/22 53/22 54/13 54/18 54/20 55/22 56/15 58/7 58/14 58/19 58/25 59/1 59/1 61/2 61/5 61/16 62/5 62/16 63/23 64/3 64/4 64/4 64/7 64/17 64/23 65/2 65/15 65/18 65/19 65/19 65/22 67/4 69/14 70/17 70/18 73/6 73/22 73/22 74/4 74/9 75/8 75/17 76/5 76/7 76/19 76/21 77/6 77/7 77/9 77/17 77/22 79/11 79/12 79/15 79/18 79/20 79/21 82/15 82/22 84/9 86/21 87/19 87/23 88/2 92/17 93/16 93/20 93/21 93/25 94/2 94/4 94/6 94/9 94/15 97/15 100/11 100/18 101/24 102/17 103/7 103/8 103/9 103/18 103/20 104/1 104/2 104/16 104/22 105/3 105/16 105/17 105/20 106/17 106/18 106/20 108/7 108/20 109/1 109/7 112/10 112/20 112/22 113/15 115/1 115/18 116/3 116/7 116/21 116/22 119/14 119/15 120/7 120/10 120/14 120/18 120/24 121/10 121/17 121/21 121/25 122/4 122/15 123/2 123/12 123/24 125/7 125/13 125/19 129/1 130/3 130/3 130/5 131/5 131/6 131/12 131/20 131/21 132/2 132/7 132/10 132/10 132/15 132/18 132/19 132/19</p>	<p>133/11 134/3 135/22 135/25 136/7 138/13 141/5 145/16 138/9 138/23 139/21 140/2 140/7 140/8 141/12 141/13 141/15 141/17 141/24 143/3 144/9 144/9 144/10 144/11 144/17 144/18 144/21 144/21 146/9 146/10 146/10 146/13 146/18 147/2 147/4 147/5 147/6 147/6 147/7 147/8 148/12 148/25 149/2 149/10 150/10 150/16 151/1 151/11 151/13 151/13 151/17 152/11 152/15 152/15 152/17 152/19 153/15 153/20 153/24 153/25 154/21 154/24 155/16 156/3 156/12 157/12 157/18 157/23 158/6 158/8 158/16 158/17 158/18 158/25 159/11 159/23 160/1 160/2 160/3 160/5 160/6 160/8 160/13 162/14 164/3 164/10 164/10 164/13 164/16 164/16 164/17 164/19 164/20 165/4 165/4 165/5 165/13 165/17 166/4 166/7 166/10 166/10 166/12 166/13 167/2 167/14 167/20 167/25 168/4 168/15 169/19 169/21 169/21 169/22 169/24 170/1 170/9 170/10 170/11 170/12 171/2 171/8 171/8 171/10 171/12 171/15 171/18 172/24 173/3 173/5 173/6 173/7 173/7 173/21 173/22 174/5 174/12 174/24 175/4 175/9 175/9 175/14 175/20 178/8 178/9 178/14 178/15 178/18 178/24 179/16 179/18 180/1 180/2 182/3 184/24 185/4 186/10 186/10 186/22</p> <p>Washington [1] 24/2</p> <p>wasn't [32] 5/21 39/16 46/10 47/8 54/6 64/7 64/7 64/16 64/20 65/11 65/21 68/3 97/24 100/20 102/15 102/15 102/24 105/9 132/22 141/16 164/11 165/3 165/3 165/14 165/15 166/3 167/16 167/24 170/6 172/24 175/3 180/15</p> <p>watch [3] 6/10 162/3 182/18</p> <p>watching [1] 167/25</p> <p>water [1] 169/25</p> <p>Wawa [1] 35/24</p> <p>way [24] 9/5 54/3 61/16 63/14 64/17 65/17 75/18 77/10 79/10 88/13 92/25 98/13 98/14 103/23 103/23 103/24 110/18 132/22 132/23 148/20 151/8 158/1 165/6 172/13</p> <p>ways [2] 67/23 167/4</p> <p>we [145] 3/15 3/20 4/2 4/2 4/20 5/6 5/10 6/23 7/19 8/23 9/4 9/4 9/5 9/6 9/7 9/23 10/1 19/4 19/4 19/7 19/10 21/15 23/24 23/25 24/1 32/18 32/23 35/12 38/1 42/20 51/7 51/8 52/12 52/19 56/5 58/15 61/18 61/19 61/20 61/20 63/13 63/15 67/17 68/1 71/3 71/3 79/23 80/16 81/10 81/14 82/24 84/18 88/22 90/17 91/9 92/8</p>	<p>92/9 92/11 94/14 94/15 94/25 97/1 99/16 95/20 99/15 101/24 101/25 109/18 110/13 115/14 115/18 115/21 123/10 125/21 126/23 135/9 135/13 135/14 136/6 138/24 139/13 140/1 144/9 144/11 144/14 144/14 144/18 145/1 145/12 147/2 147/3 148/1 149/13 149/17 152/7 152/8 152/12 153/2 153/10 153/25 154/5 154/11 154/19 154/20 155/2 156/15 158/4 158/10 158/13 158/13 158/20 161/6 162/9 164/15 164/16 165/17 165/18 165/20 165/21 166/21 169/20 171/6 171/6 171/18 172/15 172/15 172/17 172/17 172/23 173/6 173/8 173/9 174/6 174/22 175/5 175/11 176/24 179/12 180/15 182/4 183/4 183/21 187/13 187/23 187/25</p> <p>we'll [13] 14/14 69/8 69/12 113/12 113/13 123/9 143/24 144/16 144/23 145/2 145/15 145/17 184/12</p> <p>we're [29] 8/22 25/6 40/20 40/21 45/9 49/24 50/12 50/12 50/16 52/23 52/24 53/13 67/21 83/16 87/15 87/16 88/9 88/16 90/9 91/17 96/19 103/18 110/11 143/17 144/5 144/16 144/21 155/15 173/17</p> <p>we've [6] 19/20 37/24 100/24 117/5 121/14 186/5</p> <p>website [1] 48/16</p> <p>week [6] 67/1 67/1 82/24 91/9 95/12 165/22</p> <p>weekly [2] 13/19 17/2</p> <p>weeks [6] 65/2 95/15 95/15 122/10 123/3 186/24</p> <p>weighing [1] 103/10</p> <p>weird [4] 35/25 75/19 98/15 98/15</p> <p>welcome [3] 28/5 38/5 38/16</p> <p>welcoming [1] 28/19</p> <p>well [66] 2/22 3/14 4/4 4/24 5/9 6/9 7/21 9/5 14/17 14/18 19/2 36/11 38/13 43/25 54/13 55/25 56/2 63/8 64/14 64/16 65/1 77/11 80/13 83/12 85/21 90/7 90/8 90/14 90/16 91/13 92/18 93/1 93/20 96/3 96/20 97/4 97/6 97/23 108/17 113/7 115/5 128/1 130/20 140/17 147/15 147/20 152/11 155/9 156/8 156/19 162/2 162/11 163/9 164/5 164/14 164/15 164/19 165/8 168/18 173/18 183/1 183/4 184/5 185/16 185/18 188/8</p> <p>Wells [4] 50/23 50/25 176/5 177/7</p> <p>went [28] 13/22 14/3 14/10 19/3 35/21 35/22 36/2 42/23 52/13 58/14 58/16 58/16 59/12 59/15 59/22 66/2 83/18 84/1 84/25 92/8 94/15 105/18 107/1 131/8 158/4 170/1 172/23 174/7</p>
---	--	---

W				Case 2:15-cv-05834-JCJ Document 45 Filed 05/16/17 Page 226 of 229			
were [132]	2/9 3/10 3/15 4/2	156/15 158/24 158/25 160/3	161/17 161/20 163/19 164/2	64/20 64/21 67/18 86/8 97/7	103/6 103/11 114/20		
4/20 10/2 11/4 11/11 11/15		164/4 164/8 164/16 164/17		119/15 121/12 129/12 137/22			
11/17 11/19 11/21 11/23		166/8 166/8 166/11 166/19		141/8 142/4 143/16 144/22			
12/7 12/20 13/13 13/14		168/17 169/19 171/4 173/21		145/12 145/18 148/7 149/16			
16/15 16/24 17/16 18/3		174/11 175/15 177/6 179/12		149/25 150/6 151/19 152/2			
21/13 21/15 30/4 31/4 31/20		180/24 184/1 186/3		155/16 155/19 156/1 156/23			
32/10 34/12 36/2 38/11		what if [1] 77/9		160/7 167/5 184/15 184/16			
39/14 40/1 40/3 40/6 42/21		what's [23] 8/9 27/25 35/17		185/14			
42/24 43/13 43/14 44/15		39/17 46/18 46/22 49/22		while [3] 168/9 168/15			
45/7 47/4 48/5 51/5 55/13		53/2 54/8 58/22 62/23 66/4		175/11			
59/15 60/23 61/4 61/5 61/20		66/5 72/4 73/4 73/19 79/16		whiskey [1] 103/19			
62/2 63/9 64/14 65/11 67/3		87/17 137/9 163/15 165/24		who [28] 8/21 14/9 27/20			
68/2 70/17 76/9 77/2 77/18		167/10 183/23		38/19 38/24 43/2 43/21			
78/8 79/4 83/3 83/21 84/6		whatever [11] 2/15 9/11 25/4		45/25 46/3 46/4 47/16 58/21			
84/8 84/18 84/19 84/20 85/4		65/25 67/22 91/9 91/25		62/20 62/24 76/2 76/15			
86/23 89/23 90/17 92/10		93/25 96/1 96/11 183/7		82/21 82/21 82/22 91/4			
93/24 94/7 94/25 101/21		whatnot [1] 146/14		92/17 94/15 131/21 131/21			
101/24 102/20 102/25 103/13		whatsoever [1] 22/16		162/20 163/2 175/21 180/22			
105/8 105/23 108/11 108/24		when [128] 3/15 4/22 9/14		whoever [3] 24/16 78/11			
114/9 116/23 118/8 120/20		9/20 10/6 11/11 12/20 13/23		78/24			
122/11 125/6 129/21 130/11		14/1 14/3 14/4 15/1 15/5		whole [5] 36/8 81/19 90/10			
130/21 133/10 134/13 138/16		15/14 17/22 18/19 26/25		161/13 169/24			
138/17 139/25 146/15 148/5		28/22 29/2 29/15 36/1 36/14		whom [1] 48/17			
148/11 149/3 149/19 150/12		38/5 38/8 38/11 38/15 39/2		why [28] 3/2 3/12 38/3 42/24			
154/4 154/4 154/20 163/23		42/17 43/11 45/23 46/23		52/1 53/4 53/5 61/9 62/5			
164/8 165/9 165/20 165/21		47/4 47/10 50/3 51/21 53/6		75/16 76/5 77/3 77/5 79/4			
168/7 170/3 170/5 171/6		53/9 55/16 55/19 55/19		83/3 88/5 90/15 92/10			
171/16 171/24 171/25 172/9		55/22 58/16 59/6 61/16		100/17 115/5 136/6 140/23			
172/15 172/17 173/9 173/10		61/22 62/16 63/2 63/5 64/18		144/8 160/1 160/21 165/25			
175/5 175/8 175/10 175/11		65/8 65/11 65/12 65/24		179/10 188/2			
182/4 183/13 184/25		66/19 67/3 73/12 76/5 76/8		wife [29] 7/9 7/20 10/14			
weren't [6] 42/24 105/19		77/5 77/21 77/21 79/5 79/18		12/14 20/8 20/20 20/25			
134/16 156/15 156/17 173/8		79/20 81/6 82/17 83/21 84/1		21/10 21/16 21/20 22/9			
West [1] 8/11		85/10 86/21 87/7 87/9 88/14		22/24 23/4 23/11 23/14 26/6			
what [191] 3/3 3/6 3/9 3/16		89/10 89/18 91/6 94/15		27/18 28/18 37/14 43/9			
4/10 5/20 7/10 7/20 8/13		94/15 94/16 94/19 94/22		44/23 49/7 57/10 57/21 65/7			
8/15 8/19 9/17 9/25 10/5		94/24 95/3 99/10 100/19		66/2 103/23 140/3 178/13			
10/19 11/8 13/9 15/12 15/17		101/11 102/13 102/25 105/6		wife's [2] 7/13 70/10			
17/7 17/9 18/22 23/19 24/7		106/11 106/13 107/1 108/16		will [14] 2/23 32/21 32/25			
24/9 24/12 24/13 24/14 25/7		109/4 110/5 125/7 126/15		57/24 71/8 72/13 123/10			
25/7 28/1 31/25 35/9 38/12		129/21 130/20 133/11 134/13		139/5 139/17 140/10 140/16			
38/23 39/4 41/6 42/8 42/11		139/21 141/12 141/23 144/9		145/24 180/7 187/1			
42/16 43/25 46/5 46/9 49/12		146/9 146/10 146/15 149/19		win [1] 85/14			
50/4 50/9 50/24 52/4 52/17		151/8 154/10 157/10 158/20		wise [1] 59/2			
53/21 55/5 57/8 58/7 58/10		163/23 165/17 165/22 168/6		wish [1] 88/22			
58/25 62/5 63/3 63/4 63/9		168/10 170/7 170/24 171/5		with [208] 4/7 7/7 7/22 8/22			
64/3 64/14 65/16 65/23		172/3 173/1 173/9 174/17		8/25 9/1 9/3 9/11 9/15			
67/15 67/24 67/25 68/5		175/11 175/15 180/15		10/14 11/11 11/24 12/5			
70/18 71/6 72/8 74/2 74/2		where [48] 3/21 18/3 18/10		12/15 12/20 13/5 13/6 14/18			
74/9 75/8 76/18 77/9 77/9		25/13 32/6 51/6 51/10 58/9		16/6 16/8 16/11 16/14 16/18			
77/15 80/18 84/23 86/12		61/10 72/5 78/18 84/8 92/10		16/21 17/16 22/17 24/16			
86/21 87/19 88/12 89/12		94/7 97/24 111/5 111/17		24/17 24/20 26/16 28/6			
90/7 90/15 90/17 90/18 91/5		112/14 128/7 128/8 132/13		28/13 28/22 30/22 32/15			
91/5 91/15 91/17 91/18 92/1		138/1 138/15 138/21 144/12		33/4 33/15 37/12 39/5 42/21			
92/9 92/11 92/23 93/11		144/13 148/11 150/24 151/12		42/25 43/14 43/14 44/11			
93/14 93/14 93/20 94/2		151/24 152/18 153/23 154/12		45/6 45/19 46/17 47/4 48/7			
94/12 96/23 97/4 97/16 98/3		154/22 158/14 162/20 165/20		49/2 51/1 53/3 53/15 54/5			
98/8 100/13 102/18 102/19		166/18 167/1 167/10 167/15		54/21 54/25 56/2 56/12			
103/15 104/2 104/22 106/17		169/23 172/23 173/7 173/16		57/13 57/25 58/6 58/12			
106/20 107/9 109/17 109/18		174/16 176/24 180/1		58/22 58/24 61/11 61/13			
109/20 110/11 110/16 110/19		Wherever [1] 6/16		61/13 61/20 61/25 62/3 62/9			
110/20 110/20 111/20 112/17		whether [24] 9/6 9/7 44/4		62/11 62/11 62/14 63/18			
113/2 117/25 120/18 121/12		47/5 56/18 99/2 102/10		63/22 63/25 64/10 64/13			
122/15 130/3 131/5 131/12		102/17 116/21 116/22 134/2		64/19 65/14 65/25 66/5 66/7			
132/18 134/22 135/3 135/13		134/3 135/22 135/25 137/4		66/18 66/21 67/4 68/3 68/16			
135/14 136/5 137/11 138/2		137/14 137/17 148/23 153/20		68/17 69/9 70/21 71/2 71/3			
138/19 140/22 140/25 141/1		153/25 154/5 154/7 160/20		75/13 80/8 80/11 80/24 82/6			
142/5 142/6 142/9 142/12		181/20		82/24 83/13 84/17 85/5			
142/14 143/3 146/12 146/25		which [50] 3/25 8/3 13/14		86/22 91/23 95/20 96/18			
150/11 151/13 151/20 151/25		13/22 15/24 16/15 30/3		96/24 100/6 103/1 103/13			
152/16 155/3 155/12 155/25		30/10 31/19 32/4 34/12		103/22 105/1 105/3 109/17			
		34/21 46/14 49/9 55/22 62/1		109/17 109/18 109/18 109/19			

```
Yes.BY [1] 177/20
yesterday [2] 88/16 88/20
yet [10] 44/19 132/6 149/22
151/23 157/3 157/10 157/12
157/23 158/8 167/20
you [1011] 2/8 2/23 3/6 3/12
4/15 4/25 5/2 5/17 5/20
5/25 6/16 6/22 7/3 7/7 7/17
7/22 8/5 8/7 8/15 9/8 9/10
9/14 9/20 10/6 10/7 10/14
11/4 11/5 11/8 11/11 11/12
11/15 11/17 11/19 11/21
```

Y			
you...	[976]	11/23 12/2 12/5	64/12 64/14 64/24 64/25
12/12	12/14 12/20 12/21	65/8 65/9 65/11 65/12 65/13	120/17 120/17 120/23 121/2
12/24	13/3 13/9 13/11 13/17	66/6 66/9 66/11 66/12 66/13	121/4 121/5 121/9 121/18
13/21	13/24 14/6 14/18	66/16 66/16 66/19 66/22	122/8 122/8 122/10 122/12
14/23	15/5 15/6 15/8 15/12	67/3 67/5 67/7 67/9 67/11	122/14 122/21 123/1 123/1
15/24	15/25 16/1 16/6 16/8	67/15 68/10 68/14 68/22	123/10 123/15 123/16 123/18
16/11	16/14 16/18 16/21	69/5 69/8 69/10 69/11 69/17	123/19 123/21 123/23 124/4
16/24	17/5 17/7 17/13 17/16	69/21 69/24 69/25 70/2 70/8	124/7 124/8 124/11 124/24
17/19	17/22 18/6 18/10	70/15 70/24 71/1 71/6 71/8	125/3 125/15 125/16 125/16
18/14	18/17 18/18 18/19	71/9 71/12 71/13 71/17	125/21 126/1 126/3 126/5
18/22	18/25 19/5 19/6 19/9	71/20 71/23 72/1 72/18	126/6 126/15 126/20 126/22
19/19	20/1 20/5 20/8 20/19	72/20 72/22 73/17 73/17	126/24 127/3 127/6 127/13
20/25	21/4 21/9 21/13 21/16	74/7 74/13 74/15 74/23	127/15 127/24 128/5 128/9
21/19	22/3 22/6 22/9 22/23	74/23 74/24 75/4 75/5 75/7	128/14 128/14 129/3 129/3
23/4	23/8 23/11 23/13 23/18	75/7 75/10 75/10 75/13	129/11 129/13 129/15 129/21
23/20	24/7 24/8 24/13 24/20	75/20 75/23 76/5 76/6 76/8	129/22 129/25 130/11 130/11
24/20	24/24 25/1 25/6 25/18	76/11 76/24 77/2 77/3 77/6	130/16 130/17 130/21 130/21
25/18	25/24 26/2 26/5 27/1	77/25 78/6 78/8 78/8 78/14	131/20 132/1 132/1 132/12
27/7	27/10 27/13 27/17	78/18 79/4 79/6 79/6 79/7	132/22 133/3 133/8 133/10
27/25	28/2 28/4 28/8 28/11	79/14 79/15 80/3 80/7 80/10	133/15 133/15 133/20 133/22
28/13	28/18 28/21 28/22	80/23 81/1 81/4 81/6 81/9	134/6 134/13 134/16 134/18
29/1	29/2 29/7 29/11 29/16	81/12 81/22 82/1 82/8 82/14	135/8 135/10 136/1 137/4
29/22	30/10 31/4 31/7 31/9	82/15 82/17 82/18 83/1	137/19 137/22 137/25 138/1
31/12	31/25 32/3 32/6 32/14	83/10 83/13 83/14 83/18	138/2 138/2 138/3 138/15
33/3	33/4 33/18 33/22 34/18	83/21 84/1 84/6 84/8 84/10	138/16 138/17 139/3 139/10
34/21	35/9 35/10 35/16	84/25 85/8 85/12 85/13	139/19 139/25 140/7 140/10
35/18	36/7 36/9 36/12 36/14	85/14 85/14 85/14 85/15	140/11 140/17 140/22 140/22
36/22	37/14 37/20 37/23	85/15 85/22 85/24 86/5 86/8	140/25 141/2 141/11 142/3
37/24	38/11 38/11 38/12	86/14 86/21 87/14 87/25	142/5 142/9 142/19 142/23
38/19	38/24 39/4 39/5 39/5	89/1 89/6 89/16 89/17 89/18	142/24 143/22 143/23 144/13
39/7	39/9 39/14 39/18 39/21	89/21 89/25 90/1 90/7 90/8	145/11 146/6 146/15 146/16
39/25	40/1 40/3 40/6 40/12	90/10 90/12 90/16 91/12	146/19 146/22 146/22 146/25
40/25	41/1 41/3 41/10 41/17	91/13 91/14 91/14 91/18	147/2 147/3 147/8 147/9
41/20	42/15 42/16 42/21	91/20 91/21 91/25 92/8 92/9	147/24 147/24 148/5 148/5
42/24	42/24 43/2 43/6 43/7	92/10 92/13 92/13 92/14	148/8 148/9 148/11 148/11
43/9	43/11 43/14 43/16	92/24 93/9 93/11 93/13	148/13 148/17 148/18 148/19
43/16	43/21 43/23 43/24	93/13 93/15 93/16 93/20	148/19 148/22 148/23 148/25
44/4	44/11 44/12 44/14	93/22 93/24 93/25 94/2 94/2	149/2 149/3 149/7 149/14
44/15	44/15 44/17 44/22	94/8 94/19 94/20 94/24	149/14 149/14 149/16 149/19
45/1	45/4 45/5 45/6 45/6	94/25 95/9 95/11 95/12	149/20 150/2 150/9 150/15
45/9	45/10 45/13 45/17	95/15 95/18 95/24 96/1	150/23 151/4 151/11 151/16
45/18	45/19 45/25 46/3 46/8	96/12 96/16 96/17 97/7 97/8	151/17 152/2 152/10 152/10
46/10	46/17 46/20 46/21	97/19 97/20 98/4 98/5 98/10	152/22 153/5 153/8 153/10
47/2	47/4 47/5 47/10 47/13	98/10 98/11 98/21 98/23	153/23 154/3 154/7 154/11
47/13	47/21 48/3 48/6 48/11	99/2 99/3 99/6 99/7 99/9	154/22 155/10 155/11 156/17
48/14	48/17 48/20 48/25	99/14 99/16 100/2 100/3	156/24 157/1 157/3 157/10
49/2	49/7 49/11 49/18 49/23	100/5 100/11 100/12 100/13	157/20 158/11 158/14 158/20
50/3	50/4 50/7 50/7 50/14	100/17 100/21 100/24 101/2	159/2 159/3 159/7 159/9
50/15	50/15 51/1 51/3 51/3	101/2 101/7 101/21 102/1	159/10 159/24 160/1 160/3
51/14	51/14 51/18 51/21	102/1 102/10 102/12 102/13	160/8 160/14 160/21 160/22
51/21	51/22 51/23 52/6 52/7	102/15 102/17 102/20 102/20	160/23 161/2 161/5 161/9
52/8	52/8 52/10 52/12 52/12	103/3 103/5 103/5 103/5	161/10 161/13 161/17 161/19
52/15	52/15 52/17 52/23	103/6 103/12 103/13 104/9	161/25 162/3 162/20 162/20
53/2	53/10 53/12 53/14	104/10 104/11 105/2 105/14	162/20 162/24 163/4 163/7
53/14	53/15 53/18 53/20	105/25 106/5 106/12 106/15	163/9 163/9 163/13 163/19
53/21	53/23 54/2 54/11	106/17 106/18 106/22 107/1	163/23 164/2 164/8 165/8
54/12	54/13 54/14 54/15	107/2 107/6 107/9 107/17	165/24 165/24 165/25 166/8
54/16	54/17 54/17 54/20	107/22 108/8 108/12 110/5	166/16 166/18 166/18 166/19
54/21	55/1 55/13 55/19 56/8	110/14 110/14 110/17 111/5	167/4 167/5 167/7 167/10
56/12	56/18 56/22 57/1 57/3	111/10 111/13 111/17 111/18	167/13 167/18 168/2 168/2
57/6	57/8 57/10 57/15 57/17	111/18 111/18 111/19 111/23	168/5 168/7 168/17 169/2
57/20	57/20 57/24 58/11	111/24 112/2 112/8 112/15	169/4 169/13 169/23 170/6
58/19	58/20 58/20 58/23	113/4 113/8 113/22 114/9	170/7 170/8 170/8 170/12
59/7	59/15 59/15 59/18	114/12 114/17 115/1 115/5	170/15 170/15 170/19 170/24
59/21	60/3 60/6 60/9 60/10	115/6 115/10 115/11 115/13	171/5 171/16 172/3 172/6
60/13	60/13 60/16 60/22	115/16 115/19 115/23 116/3	172/11 172/14 172/21 172/22
60/23	60/25 61/5 61/7 61/12	116/3 116/5 116/8 116/21	172/22 173/1 173/1 173/2
61/17	61/22 61/22 62/1 62/2	116/22 116/22 117/1 117/3	173/10 173/13 173/23 173/23
62/2	62/6 62/24 63/2 63/7	117/14 117/21 117/23 118/1	174/1 174/3 174/8 174/11
63/8	63/9 63/10 63/11 63/12	118/4 118/9 118/10 118/13	174/16 174/16 174/17 174/19
63/17	63/20 64/3 64/9 64/9	118/17 119/3 119/7 119/12	175/8 175/16 175/17 175/19
		119/12 119/18 119/24 120/1	175/19 175/22 175/23 175/25
		120/8 120/11 120/13 120/16	176/1 176/7 177/2 177/5
			177/12 177/22 177/25 178/12

<div>Y</div> <div>Case 2:15-cv-05834-JCJ Document 45 Filed 05/16/17</div> <div>you..... [45] 178/14 178/21 178/24 179/3 179/3 179/7 179/10 180/8 181/2 181/6 181/14 181/14 181/19 181/20 181/20 181/22 182/17 182/19 183/1 183/7 183/7 184/7 184/9 185/2 185/19 186/2 186/8 186/13 186/14 186/16 186/19 186/21 186/24 186/25 187/1 187/4 187/5 187/7 187/11 187/14 187/19 188/3 188/7 188/8 188/9</div> <div>you'd [1] 140/18</div> <div>you'll [11] 27/5 45/3 67/13 74/5 113/20 120/21 124/8 130/10 149/22 150/3 157/5</div> <div>you're [62] 4/7 40/24 46/20 53/17 63/6 64/24 72/19 73/15 80/5 84/14 90/3 90/9 91/21 92/12 92/22 92/23 93/6 96/12 97/4 97/9 97/9 97/16 97/16 97/18 98/3 98/12 98/13 99/9 99/10 102/4 102/6 110/12 110/16 114/3 114/6 114/23 121/3 121/20 123/16 128/21 130/8 141/19 149/18 150/17 155/3 155/7 155/18 155/25 156/20 157/10 166/5 170/6 173/14 173/14 173/15 173/16 174/1 178/12 184/8 184/10 185/3 186/6</div> <div>you've [12] 4/8 4/12 4/14 4/19 58/5 81/25 82/4 82/5 89/4 119/2 162/17 181/7</div> <div>young [2] 165/17 165/19</div> <div>your [403] 2/4 2/8 2/9 2/20 2/23 4/6 4/8 4/18 5/2 5/10 6/1 6/7 6/10 6/17 6/23 7/4 7/13 7/20 8/1 8/9 8/13 8/19 10/14 12/14 13/6 14/19 15/17 17/1 17/4 17/14 17/25 19/16 20/1 20/8 20/10 20/18 20/19 20/25 21/4 21/10 21/16 21/19 21/22 22/2 22/6 22/9 22/12 22/17 22/22 22/24 23/4 23/8 23/11 23/13 23/16 25/18 25/19 25/23 26/6 26/8 26/16 26/20 26/23 27/1 27/4 27/9 27/13 27/18 27/25 28/15 28/18 29/1 29/3 29/5 29/6 29/11 29/19 31/4 31/8 31/12 31/16 31/22 32/1 32/24 33/2 33/18 33/22 34/1 34/3 34/9 34/15 34/18 34/25 35/3 35/6 36/12 36/22 36/24 37/14 37/20 39/6 39/22 39/23 40/15 41/16 41/20 41/24 42/9 42/12 43/9 43/19 44/20 44/23 45/2 45/14 49/3 49/6 49/7 49/16 49/20 50/18 50/25 51/14 51/17 52/2 52/3 52/7 52/7 52/8 52/8 52/9 52/9 52/15 53/12 53/13 53/13 53/15 53/16 55/11 55/14 56/13 56/15 56/23 57/5 57/10 57/13 57/20 58/5 58/7 58/12 58/12 58/23 58/24 59/11 59/11 60/17 61/11 61/13 61/14 61/16 61/24 62/3 62/5 62/18 63/18</div>	<div>63/19 63/23 63/24 64/12 64/25 65/7 65/8 66/12 66/23 67/7 68/7 68/11 68/15 68/15 68/16 68/25 69/10 69/11 69/18 70/10 71/2 71/10 71/11 71/21 72/23 72/25 73/3 73/4 73/10 73/11 73/12 73/15 73/19 73/24 74/2 74/5 74/7 74/8 74/13 74/15 76/9 76/22 78/21 79/2 79/13 80/8 81/13 81/19 82/1 82/4 82/9 83/13 83/14 83/17 85/17 86/3 86/5 86/10 86/11 86/21 86/22 87/17 87/19 87/19 87/23 88/1 89/10 90/1 90/6 90/8 90/11 91/17 93/10 93/17 95/22 96/1 96/24 97/6 98/18 100/13 100/17 100/22 100/25 101/3 101/5 103/12 104/2 105/1 108/4 108/7 108/13 110/22 110/25 111/4 112/10 112/17 112/22 112/24 113/6 113/10 113/19 114/13 114/18 115/18 116/13 116/18 116/19 116/21 116/24 117/1 118/5 122/16 122/23 123/19 123/21 124/1 127/11 128/8 130/9 130/13 130/15 131/9 131/14 131/20 132/2 133/1 133/24 134/24 135/2 135/4 135/6 135/8 135/10 136/4 136/7 137/8 137/9 137/23 138/19 139/4 140/13 141/23 143/14 147/23 148/4 148/14 148/20 148/24 149/3 149/16 149/17 150/19 150/20 152/23 152/23 153/25 154/5 155/5 155/22 156/24 159/8 159/18 161/3 161/25 162/3 162/8 163/15 163/23 164/3 164/8 164/21 164/23 168/14 169/11 169/16 169/23 170/7 170/9 170/12 170/13 170/17 170/24 171/4 171/15 171/20 174/1 174/19 175/15 175/19 175/22 175/23 175/25 176/5 176/7 176/17 176/19 176/25 177/9 177/13 177/16 177/16 177/20 177/23 177/25 178/5 178/9 178/10 179/3 179/4 181/14 181/20 182/8 182/12 182/16 182/18 182/22 182/24 183/2 183/3 183/6 183/9 183/21 183/23 184/4 184/7 184/18 185/9 185/16 185/21 186/11 186/23 187/4 187/5 187/7 187/9 187/10 188/7</div> <div>yours [2] 70/10 77/6</div> <div>yourself [6] 7/3 81/2 161/7 165/25 175/8 178/13</div> <div>Z</div> <div>Zolpidem [1] 60/19</div>	<div>Page 229 of 229</div>
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